

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 23 NOVEMBER 2004

- Present: The Mayor, Councillor A Ryan (Chairperson)(Gordon Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)
Councillors G Innes & M Shelley (Roseville Ward)
Councillor M Lane (Gordon Ward)
- Staff Present: General Manager (Brian Bell)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning (Leta Webb)
Manager Strategic Planning (Antony Fabbro)
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 7.03pm

The Mayor offered the Prayer

PRESENTATION OF 2004 FINANCIAL ASSISTANCE GRANTS TO COMMUNITY GROUPS

The Mayor, Councillor Ryan and Deputy Mayor, Councillor Ebbeck presented the financial assistance grants and thanked the community groups for the outstanding work performed for the residents of Ku-ring-gai.

DECLARATION OF PECUNIARY INTEREST

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

The Mayor, Councillor A Ryan and Councillor M Lane declared a pecuniary interest in item GB.7 – Draft Local Environmental Plan No 202 – 657 to 661 Pacific Highway, Killara (Greengate Hotel) (financial contributions to election campaign).

ADDRESS THE COUNCIL

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

F Walker
I Glendinning

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:

Report: Council Meeting – 14 December 2004 – Report by General Manager
dated 23 November 2004

CONFIRMATION OF MINUTES

556 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 9 November 2004

Minutes numbered 521 to 555

Resolved:

(Moved: Councillors Hall/Innes)

That Minutes numbered 521 to 555 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

557 Balancing The Interests Of Sport And Residents In A Confined Area (Thirty-Three [33] Signatures)

File: S02633

The undersigned, being local residents affected by the use of the Cliff Avenue Recreation area, are concerned that the present or future management of the Wahroonga Rugby club (WRC) may seek to expand the WRC beyond the reasonable capacity of the local infrastructure and the environment's ability to absorb such growth without seriously, and negatively, impacting on local residents.

Consequently, we ask that the Council, in leasing the Cliff Avenue Ovals to the WRC, to restrict the club's use of these facilities to that of a junior-age Rugby Union Club

for playing members up to the age of 18 years and further, limit the number of registered playing membership to an agreed maximum number.

Resolved:

(Moved: Councillors Ebbeck/Cross)

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

CARRIED UNANIMOUSLY

558

Eastern Arterial Road, St Ives - Request For Footpath (Sixty-Five [65] Signatures)

File: 88/05393/01

Letter from Mr David Rodwell dated 13 November 2004:

The safety of my fellow Barra Brui residents is being compromised. I would like you to consider the lack of footpaths on neither side of Eastern Arterial Rd, Barra Brui. I have enclosed a petition to back up my concern and to also show a large support in favour of footpaths on both sides of Eastern Arterial Rd, Barra Brui.

I do appreciate the great number of requests Council would receive for footpaths also respect the effort Council has put towards the point system for prioritising footpaths. However, the point system does not allocate points heavily enough for roads with:

1. Higher speeds, i.e roads that are not being protected by council 50km limit.
2. Multiple lanes, ie 4 lanes.
3. Areas that are isolated like Barra Brui, ie the only way in and out of Barra Brui is on Eastern Arterial Rd.
4. Arterial Roads that have no footpaths on either side
5. Unstable areas, ie rugged, eroded and sloped nature strip
6. Narrow nature strips that offer “no second chance”
7. Incidence of dangerous pedestrian/cyclist activity. I have witnessed many pedestrians dangerously negotiating the gutter rather than the patchy and rugged council strip. And in fact a cyclist was hit on this road on the 12.11.04.
8. High number of families with children.
9. No pathway access to Council supported preschools at all.

These points above indicate a disadvantaged community with serious safety issues not taken into consideration previously. Eastern Arterial Rd would qualify heavily on all these areas. I believe on these issues alone it vital that council acts quickly.

When this road was widened to four lanes many years ago, footpaths or share-ways should have been constructed then. I believe it is unacceptable for both council and the RTA to have not considered pedestrian and cycle safety at this time.

There lies a golden opportunity for Ku-ring-gai Council and the RTA to provide Barra Brui residents the right to the enjoyment of their land and suburb with safety.

I would like to propose that Ku-ring-gai Council and the RTA join together to fund a share-way on the north-side of Eastern Arterial Road from the western end of Burraneer Ave to the eastern end of Burraneer Ave. This Share-way should eventually link the ones already provided on this arterial at Killara, St Ives and Turramurra. Note: I believe the North-side of Eastern Arterial Rd would lend itself quite well for a share-way as it has a fairly wide nature strip.

As there is no safe crossing on this arterial road at Barra Brui it would also be necessary for a footpath to be constructed on the south-side of Eastern Arterial Rd from the western end of Barra Brui Cres to the eastern end of Nicholson Ave.

I have written to the RTA and Minister for roads with these concerns, but I think it would be best if Council were to also follow-up with the RTA and to formally request their participation.

If there are inadequate funds available in the budget, perhaps Council should either increase the budget for footpaths or make a special allowance for safety concerns.

Resolved:

(Moved: Councillors Hall/Bennett)

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

CARRIED UNANIMOUSLY

559 20 Warwick Street, Killara - Petition Regarding Revised Development Application (Three Hundred & Two [302] Signatures)

File: DA0997/04

"We, the residents of Killara who have signed our names below remain opposed to inappropriate high/medium density housing development in Warwick Street and surrounding streets.

We are disappointed that the developer's revised application to construct three town houses on the property does not address the concerns raised by the Land &

Environment Court in its June 2004 judgment. It still does not contribute to a residential environment with clear character and identity.

We ask Ku-ring-gai Council to listen to our concerns and reject the revised application. It does not comply with SEPP53 and is inappropriate.

Resolved:

(Moved: Councillors Lane/Ebbeck)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

560 **Minutes of Inspections Committee**
File: S02131
Meeting held 13 November 2004
Minutes numbered INS19 to INS20

Resolved:

(Moved: Councillors Lane/Hall)

That Minutes numbered INS19 to INS20 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

561 **133 Coonanbarra Road, Wahroonga - Detached Dual Occupancy Development
Comprising Retention Of The Existing Residence And Construction Of A Second
Dwelling**

File: 0639/04

Ward: Wahroonga

Applicant: B. Habibi & F. Kazazi

Owner: B. Habibi & F. Kazazi

To determine a development application seeking consent for a dual occupancy development, comprising retention of the existing residence and construction of a second dwelling.

Resolved:

(Moved: Councillors Cross/Hall)

- A. That consideration of Development Application No 0639/04 for a new dual occupancy development comprising retention of an existing dwelling and construction of a detached, two-storey dwelling on land at 133 Coonanbarra Road, Wahroonga be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

562 **3 Ridge Street, Gordon - Demolition Of Existing Dwelling And Construction Of Detached Dual Occupancy Development**

File: DA1438/03

Ward: Gordon

Applicant: Glendinning Minto and Associates

Owner: Allen Butler

To determine Development Application No 1438/03 which seeks consent for demolition of the existing dwelling and construction of a detached dual occupancy development.

Resolved:

(Moved: Councillor Lane/Mayor, Councillor Ryan)

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

THAT the Council, as the consent authority, grant development consent to DA 1438/03 for dual occupancy, comprising demolition of the existing dwelling and construction of a 2 storey dual occupancy development on land at 3 Ridge Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application 1438/03 and Development Application plans prepared by *Hans Waldmann & Associates*, reference number *789 Sheets 1 to 4*, dated *1 June 2004*.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-

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

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

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

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

12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. 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.

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. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
18. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
19. 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.
20. 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.

21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.
23. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
24. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
25. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
27. 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.
28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.

29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. 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.
31. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
32. 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.
33. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
34. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
35. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
36. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
37. 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.

38. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
39. 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.
40. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
41. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
42. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
43. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
44. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

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

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

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

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

45. 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.
46. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

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

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

47. 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.

48. 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".
49. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
51. 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.
52. 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.
53. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
54. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

55. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south-east (rear) site boundary	4.0m
<i>Ceratopetalum gummiferum</i> (NSW Christmas bush) North-west side of front dwelling in front garden	2.0m

56. 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.
57. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
58. 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.
59. To facilitate landscape amenity the proposed retaining wall for the driveway access off Craiglands Ave is to be clad with 'sandstone' as shown on the retaining wall elevation submitted with the development application. No cribblock 'sandstone lookalike' walling is permitted.
60. Construction shall comply with AS3959-1999 level 1 'Construction of Buildings in bushfire prone areas'.
61. The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
62. The kitchen of dwelling 2 shall have an opaque north facing window to improve solar access to the living area.
63. The floor plan of dwelling 1 shall be amended by having the main living area on the northern side and bedroom 1 relocated to the southern side of the dwelling.

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

64. 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.

65. 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).
66. 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.
67. 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.
68. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
 69. The bathroom window, additional north facing kitchen window (required by this consent), and upstairs gallery window are to be of translucent glazing to minimise overlooking to the adjoining property at No.5 Ridge Street. Details are to be shown on the Construction Certificate plans.
 70. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO (2) ADDITIONAL DWELLINGS IS CURRENTLY \$38,062.00. 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 - Gordon	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
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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

71. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) before any other work on the site commences.
72. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier prior to any earthworks or construction commencing.
73. Prior to issue of the Construction Certificate, the applicant shall submit four (4) copies of engineering plans, including longitudinal and cross sections, street elevation and specifications for the following infrastructure works required in Craiglands Road reserve:
 - a. The proposed extension works for the existing and proposed driveway crossing from Craiglands Road, and full treatment of the verge area.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF *THE ROADS ACT 1993*** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RTA Traffic Control at Work Sites (1998).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council for approval prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. The landscape plan is to comply with Rural Fire Service (RFS) requirements that the entire site be treated as an 'Inner Protection Zone' (IPZ). The landscape plan is to be submitted and approved/certified by NSW RFS or a qualified fire consultant as to be compliant to IPZ guidelines, prior to being submitted to Council.
79. The property shall support a minimum number of six (6) trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. A minimum of three trees is required for each dwelling. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
80. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
81. To maintain and enhance landscape amenity and streetscape character, the nature strip fronting Craiglands Ave along the site frontage is to be rehabilitated and revegetated with native grasses and trees, at no cost to council. The proposed planting is to be shown on the Landscape Plan to be submitted to Council for approval prior to the issue of the Construction Certificate. Proposed planting is to comply with NSW RFS requirements.
82. A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been

satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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

83. A CASH BOND/BANK GUARANTEE of \$1,000.00 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

Jacaranda mimosifolia (Jacaranda)

Adjacent to south-east (rear) site boundary

84. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

85. 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.
86. So as to minimise glare, the roof is to be of subdued colour which is compatible with the surrounding environment. A schedule of external finishes is to be submitted to and approved by the Council prior to the commencement of work.
87. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.

88. 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:**
 - a. local traffic routes
 - b. pedestrian circulation adjacent to the building site;
 - c. and on-street parking in the local area; and;
 - b. **Describe the means proposed to:**
 - a. manage construction works to minimise such impacts;
 - b. provide for the standing of vehicles during construction;
 - c. provide for the movement of trucks to and from the site, and deliveries to the site; and
 - c. **Show the locations of:**
 - a. any site sheds and any anticipated use of cranes and concrete pumps;
 - b. 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.

89. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the existing structures at the following locations:
- a. The existing access driveway between the subject site and the layback on Craiglands Road.

The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

90. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the

fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south east (rear) site boundary	3.0m
<i>Syncarpia glomulifera</i> (Turpentine) Adjacent to south-west (front) site corner	3.0m
<i>Rhododendron spp</i> Adjacent to north-west (front) site boundary	2.0m

91. 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.
92. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

93. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
94. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
 - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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

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

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.

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

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

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

certifying engineer must to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

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

99. Any damaged to the surface of the existing driveway crossing from Craiglands Road to Lot 1 in DP866249 must be fully reinstated by the applicant to the satisfaction of the Principal Certifying Authority and the owner of 47 Craiglands Road. Documentary evidence to this effect must be submitted to the Principal Certifying Authority for approval prior to issue of an Occupation Certificate or issue of the Subdivision Certificate.

100. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:

- a. The proposed extension works for the existing and proposed driveway crossing from Craiglands Road, and full treatment of the verge area.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

BUILDING CONDITIONS

101. 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.
102. 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.
103. 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.

- 104. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
- 105. 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.
- 106. 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.
- 107. 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.

- 108. 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.

109. 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.

110. 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 dual occupancy dwellings comply with the relevant deemed to satisfy provisions of the Building Code of Australia.

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

Against the Resolution: Councillor Bennett

563

18 Cook Road, Killara - Detached Dual Occupancy Development, Comprising Retention Of The Existing Dwelling And Construction Of A Second, Single Storey Dwelling

File: 0763/04

Ward: Roseville

Applicant: Addlestone Investments Pty Ltd

Owner: T. & R. Lipman

To determine a development application seeking consent for a detached dual occupancy, comprising retention of the existing residence and construction of a second, single storey dwelling.

Resolved:

(Moved: Councillors Shelley/Innes)

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

THAT the Council, as the consent authority, grant development consent to DA 763/04 for a detached dual occupancy development comprising retention of the existing residence and construction of additional Dwelling on land at 18 Cook Road, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Development in Accordance with Plans (New Development)

1. The development must be carried out in accordance with plans numbered 1 (Site Plan), 2 (Elevations), 4 (Floor Plan and Elevations of (existing) Dwelling 1) and 5 (Floor Plan and Elevations of (proposed) Dwelling 2), dated June 2004, drawn by I. L Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. To ensure visual and acoustic privacy to the residents of 16 Cook Road, Killara; the existing 1.8m high timber paling fence along the common boundary (north eastern) shared with No 16 & 18 Cook Road shall be demolished and replaced with a 2m high timber paling fence from behind the building line to the rear boundary.
3. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council or the PCA prior to the commencement of work.

4. All building works shall comply with the Building Code of Australia.
5. 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.
6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. 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.

13. Waste storage facilities for Dwelling 1 and Dwelling 2 shall be provided in accordance with Council's Waste Management Development Policy.
14. The fence and footings shall be constructed entirely within the boundaries of the property.
15. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
16. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
17. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
18. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
19. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
20. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.
- 23. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
- 24. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
- 25. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
- 26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 27. 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.
- 28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 30. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
- 31. 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.
- 32. 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.

33. Landscape works shall be carried out in accordance with Landscape Drawing No 450 Rev. A prepared by Jocelyn Ramsay and Assoc. and dated 08/07/2004 submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
34. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
35. 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.
36. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
37. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species
Acer negundo (Box Elder)
38. 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.
39. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
40. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
41. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures and/or barriers that direct runoff to the formal drainage system.

42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
43. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
44. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
45. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au 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.
46. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
47. 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.

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

48. 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.
49. 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).
50. 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.
51. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of

payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

52. 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.
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 \$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.
55. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.
56. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. Approval of this

Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.

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

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

57. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. To allow the rainwater tank(s) to work effectively, the tank(s) shall be designed to capture and retain runoff based on the ensuing table, after which runoff shall revert to the main drainage system.

Volume of Rainwater Tank	Minimum Roof Area Required
(L)	(m ²)
2000	50
3000	60
5000	100

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

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

58. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.

59. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.

60. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:

The driveway width increased to a minimum 3m (currently 2.8 metres adjacent to the existing dwelling). This condition is imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking".

Note: The required 1 metre landscape buffer can be reduced to a minimum 800mm (through this section only) to satisfy this condition. However, suitable screen planting through this section must be provided to the satisfaction of Council's Landscape Officer.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

61. 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.

62. 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.

63. To preserve existing trees located on site within the front garden, no work shall commence until the area beneath the canopy of the existing tree/s is fenced off

adjacent to the north western side of the existing/proposed driveway from the site frontage to the front of the existing dwelling, 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.

64. 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.
65. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

66. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
 - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.
67. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.
68. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

69. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
70. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - c. The Engineer's certification of the as-built system.

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

71. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
72. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).
- Installation of proprietary tank products in accordance with manufacturers' specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).

- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)
- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise ” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

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

- As constructed levels in comparison to design levels
- As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
- Dimensions of all retention tanks/devices
- Top water levels of storage areas and RL’s at overflow point(s)
- Storage volume(s) provided and supporting calculations/documentation.

73. Prior to occupation or issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
 - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
 - c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
74. A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall

show the following as built details, marked in red on the approved construction certificate stormwater drawings:

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

BUILDING CONDITIONS

75. 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.
76. 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 storm water drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

77. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard

1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

78. 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.

79. 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.

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

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

CARRIED UNANIMOUSLY

564 **Investment Cash Flow & Loan Liability As At 30 October 2004**

File: S02722

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

Resolved:

(Moved: Councillors Shelley/Innes)

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

CARRIED UNANIMOUSLY

565 **Ku-ring-gai Access Advisory Committee**

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Advisory Committee of 19 August 2004.

Resolved:

(Moved: Councillors Lane/Innes)

That the Minutes of the Ku-ring-gai Access Advisory Committee from 19 August 2004 be received and noted.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

566 **Private Certifiers**

File: S02465

Notice of Motion from Councillor E Malicki dated 10 November 2004.

I move:

“That Council gather information on a series of developments poorly controlled by Private Certifiers and then seek a deputation to raise the matter urgently with the relevant Minister and DIPNR.”

Resolved:

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

567

Urban Conservation Areas

File: S03487

Notice of Motion from Councillor L Bennett dated 11 November 2004.

I move:

“A. That Council write to Genia McCaffery, President of the Local Government Association, NSW requesting that the Association raise with the State Government the need to continue the present system of protection of areas of conservation value through the incorporation of UCA's into LEP's.

B. That Council take steps to ensure that the issue of UCA's and DIPNR's letter freezing Gazettal of UCA's pending a review be placed as an item on the agenda for NSROC.”

Resolved:

(Moved: Councillors Bennett/Shelley)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

568

Categorisation Of Councils In New South Wales

File: S02304

Notice of Motion from Councillor N Ebbeck dated 11 November 2004.

I move:

“That the General Manager provide a report to Council on the categorization of Councils in New South Wales, together with the options and processes available for Ku-ring-gai Council to review and upgrade its classification within those categories.”

Resolved:

(Moved: Councillors Ebbeck/Bennett)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

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

569

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

File: S03730

A Carroll addressed Council

To report to Council on the public exhibition of Draft Ku-ring-gai Multi-Unit Housing Development Control Plan (DCP) No 55 - Pacific Highway / Railway Corridor and St Ives Centre and to seek Council endorsement in principle, of key amendments to the Draft DCP prior to finalisation.

Resolved:

(Moved: Councillors Lane/Ebbeck)

- A. That Council endorse in principle the proposed amendments to Draft Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 outlined in the report with the following change to street boundary setbacks.

“That sites on streets where a 35% building footprint is achievable with setbacks greater than 12 metres and where the site can support a building zone large enough to enable good design the setbacks be increased to 13 – 15 metres.

That the draft DCP identify locations where this control will be applied.”

- B. That the final version of the revised Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 be presented to Council in December.
- C. That when DCP 55 is returned to Council for adoption, the report and the draft include recommendations for appropriate FSR's for development in the residential 2d3 zone.
- D. That development adjacent to heritage items remain as in Draft DCP 55.

570 **17 Railway Lands, Gordon - Upgrading of Gordon Railway Station to Provide Disability Access**

File: DA1385/03

Ward: Gordon

Applicant: Lewis Cross on behalf of State Rail

Owner: State Rail Authority

B Coleman addressed Council

To determine Development Application No 1385/03 which seeks consent for the upgrade of Gordon Railway Station to provide disability access.

This matter has been referred to Council due to the importance of this facility for the Municipality.

Resolved:

(Moved: Councillor Lane/Mayor, Councillor Ryan)

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

That the Council, as the consent authority, grant development consent to DA1385/03 for the upgrading of Gordon Station to provide disability access, on land known as 17 Railway Lands, Gordon, for a period of two years from the date of the Notice of Determination.

GENERAL

1. The development to be in accordance with Development Application No 1385/03 and Development Application plans prepared by Suters Architects, reference number Drawings DA01E, DA02E, DA03E, DA05E, dated 26 April 2004 and CV0068505 prepared by Rail Infrastructure Corporation, dated 9 May 2004 and lodged with Council on 19 May 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Stormwater runoff from new impervious areas shall be piped to the existing site drainage disposal system in accordance with the requirements of Council's

Water Management DCP 47. Any new drainage line connections to the public drainage system shall conform to Council requirements.

5. For stormwater control a 200mm wide grated channel/trench drain with removable grates (suitable for pedestrians and wheelchair access) is to be provided at the base of the pedestrian ramp and be connected to the main stormwater drainage system.
6. 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.
7. 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.
8. All footway paving in Council road reserve, fronting the entry, shall be in a paving set specified by Council.
9. A copy of the archival recording shall be provided to Council for keeping in the Gordon Library.
10. Provision of an interpretative plaque with suitable photographs detailing the historical significance of the Gordon Railway Station. The plaque shall be placed in a sympathetic and accessible location, possibly opposite the WWI Honour Roll at the western end of the Overhead Booking Office.
11. Restoration of the corroded water bubbler on Platform 2.
12. 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.
13. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
14. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall correct installation, faithful to the landscape plan, and provide a copy to Council, prior to issue of final Certificate of Compliance.

15. An arborist report assessing the health and structure and suitability for retention, and management requirements of the Firewheel tree (*Stenocarpus sinuatus*) located adjacent to the new platform extension and existing waiting pavilion, be undertaken and forwarded to Council for assessment. Should it be agreed that this tree requires removal this shall be undertaken by the applicant at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000. If removed, advanced replacement planting is to be of size and species and is to be agreed with Council.
16. The proposed pathway to stair 4 shall be relocated so as to preserve the existing Bangalow Palms, Tree 3 and Tree 4. Alternatively, the trees in question shall be relocated.
17. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Shrub or Tree/Location
Camellia sasanqua /adjacent proposed ramp from St Johns Avenue.
18. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works.

Plant Species
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
19. 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.
20. 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.
21. Pavements on Council land shall be of plain grey concrete to match Council's existing pavement in the area.
22. The existing kerb ramp at the marked pedestrian crossing on Wade Lane near St Johns Avenue is to be reconstructed to meet the requirements of Council Standard Drawing 2003-002, Tactile Kerb Ramps, Typical Details, Business Centres. The length of the ramp shall match the marked crossing, ie 3.6m where the drawing shows a minimum of 1.15m. Council requires a minimum of 4 weeks notice for supply of the tactile pavers as per Note 5 on the drawing.
23. Existing phone booths near the end of the existing south-east shall be indicated on the plans with information indicating whether they are to remain, be removed or relocated.

24. 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.

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

25. The Applicant shall contact Councils Open Space department to obtain a specification for the type of paving to be installed in the Council Road reserve fronting the new pedestrian access point in St Johns Avenue. All paving laid in this location shall be in accordance with Council requirements.
26. The applicant shall prepare a plan of the new drainage system components required for the development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of the property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.
27. An amended detailed landscape plan and specification of the proposed landscape works for the site shall be prepared by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character.

The following amendments are to be incorporated into the plan:

Full Details of existing vegetation and proposed plant species including location, pot sizes and numbers for all landscape areas. Plant species are generally to be of species of low maintenance nature.

In order to preserve the established landscape character in this area the proposed *Backhousia citriodora* to St Johns Ave are to be substituted with an appropriate number of minimum 75 litre size *Schinus areira*.

Provide full details of additional new landscaping to areas requiring upgrading or likely to be disturbed during the construction works including but not limited to the Werona Ave frontage, the area between the existing ramp, under the existing footbridge and general area between the existing ramp and the new ramp to stair 4, the area adjacent to the widened platforms, new massed planted garden beds and grassed areas to the northern entry area and new stair 1 at St Johns Avenue/Wade Lane.

Details of proposed paving, including additional paving from the footpath to the entry area in Wade Lane.

Details of positions and number of new street furniture, including seats and bike racks.

Details of all vegetation to be removed and to be preserved.

New position of path to stair 4 so as to preserve Bangalow palms trees 3 & 4.

28. New and restored landscape areas shall be maintained by the applicant for a period of 12 months after completion of these works.
29. The applicant shall ensure that existing vegetation, trees and garden bed areas are protected by way of fencing or other appropriate means during construction.

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

30. In order to preserve the existing landscape features and vegetation the existing garden areas to the South of the existing on grade pathway from Werona Ave to the station entry/turnstile is to be fenced so that no construction activities storage of materials or construction access shall to occur in this area.
31. To preserve the following tree/s, footings of the proposed widened platform next to existing waiting pavilion and ramps to new lift 1 shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

Tree/Location	Radius in Metres
<i>Stenocarpus sinuatus</i> /adjacent platform	3m
<i>Jacaranda mimosifolia</i> /adjacent platform	5m
<i>Jacaranda mimosifolia</i> /adjacent ramp to lift 1	3m

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

32. The applicant shall ensure that:
 - a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the prepared drainage plan.

CARRIED UNANIMOUSLY

571 **Acron Oval Clubhouse - Licence To St Ives Junior Australian Football Club**

File: S02817

For Council to consider granting a five year licence to St Ives Junior AFL Club to use Acron Oval Clubhouse at St Ives.

Councillor Ebbeck withdrew during discussion

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council as Trustee of the Acron Oval (R88492) Reserve Trust approve the granting of a five year licence to St Ives Junior Australian Football Club, for the use of the Acron Oval Clubhouse, commencing on the date of Council resolution and on the terms and conditions as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence document.
- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Minister's consent.

CARRIED UNANIMOUSLY

Councillor Ebbeck returned

572 **2004 To 2008 Management Plan First Quarter Review As At 30 September 2004**

File: S03096

To report to Council on progress made towards achieving Key Performance Indicators as contained in Council's 2004 - 2008 Management Plan.

Councillor Cross departed during discussion

Resolved:

(Moved: Councillors Innes/Bennett)

That the matter be deferred for further clarification.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Lane/Innes)

That the report on the progress of the Key Performance Indicators contained in the 2004-2008 Management Plan for the first quarter of the Plan, be received and noted.

573 **2003 To 2004 Annual Report**

File: S02015

To present to Council the Statutory Annual Report for 2003/2004 in accordance with Section 428 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Malicki/Ebbeck)

That the Annual Report for the period, 1 July 2003 to 30 June 2004, be received and noted.

CARRIED UNANIMOUSLY

**The Mayor, Councillor Ryan and Councillor Lane
declared a pecuniary interest
under Section 451 of the Local Government Act 1993
in respect of the following item – GB.7 – Draft LEP 202
657 to 661 Pacific Highway, Killara
and withdrew from the Chamber taking no part
in discussion and voting on the item**

Deputy Mayor, Councillor Ebbeck assumed the Chair

574 **Draft Local Environmental Plan 202 - 657 to 661 Pacific Highway, Killara**

File: S02029

To have Council consider Draft Local Environmental Plan No 202 (DLEP202) and the public submissions received in response to its re-exhibition.

Resolved:

(Moved: Councillors Hall/Innes)

- A. That Council not proceed with Draft Local Environmental Plan 202.
- B. That possibilities for furthering a rezoning for 657 to 661 Pacific Highway, Killara be discussed at the next Planning Committee.

*For the Resolution: Deputy Mayor, Councillor Ebbeck, Councillors
Andrew, Bennett, Innes, Malicki and Shelley*

Against the Resolution: Councillor Hall

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

(Moved: Councillors Hall/Innes)

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

The Mayor, Councillor Ryan resumed the Chair

575 **Barra Brui Oval Clubhouse - Licence To Knox Old Boys Rugby Union Club**

File: S02663

For Council to consider granting a five year licence to Knox Old Boys Rugby Union Club to use Barra Brui Oval clubhouse at St Ives.

Resolved:

(Moved: Councillors Bennett/Hall)

- A. That Council as Trustee of Barra Brui Oval (Barra Brui Reserve Trust) grant a five year licence to Knox Old Boys Rugby Union Club Inc for the use of the Barra Brui clubhouse, commencing from the date of Council's resolution and on the terms and conditions as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Ministers' consent.

CARRIED UNANIMOUSLY

576 **Budget for 2004/05 1st Quarter Review as at 30 September 2004**

File: S03096

To present to Council the quarterly financial review for the period ended 30 September 2004.

Resolved:

(Moved: Councillors Bennett/Andrew)

That this matter be deferred until after consideration of NM.1 – Interface Issues.

CARRIED UNANIMOUSLY

577 **Council Meeting - 14 December 2004**

File: S02355

To give consideration to commencing the Council Meeting of 14 December 2004 earlier than the scheduled 7.00pm.

Resolved:

(Moved: Councillors Innes/Shelley)

That the Council Meeting scheduled for 14 December 2004 commence at 7pm.

CARRIED UNANIMOUSLY

578 **Interface Issues**

File: S02036

Notice of Motion from Councillor L Bennett dated 11 November 2004.

I move:

“A. That a consultant be employed to make recommendations to Council on options for handling the interface issues between properties zoned single residential and those zoned for apartments under LEP 194 or LEP 200.

B. That such options include (but not be limited to):

- rezoning of neighbouring properties to permit townhouse and/or villa development

- rezoning of neighbouring properties to permit unit development
- C. That the key objective be to minimise interface issues and ensure an appropriate buffer between single residential zones and medium density zones.
- D. That the consultant's investigation be limited to properties on the interface which share a common boundary and common street frontage. The consultant should not look at properties where the common street frontage is the Pacific Highway.
- E. That funds available for the Consultancy study be limited to \$15,000.

Resolved:

(Moved: Councillors Bennett/Lane)

That the above Notice of Motion, as amended, be adopted.

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

Against the Resolution: Councillor Innes

579 **Budget for 2004/05 1st Quarter Review as at 30 September 2004**

File: S03096

To present to Council the quarterly financial review for the period ended 30 September 2004.

Resolved:

(Moved: Councillors Bennett/Shelley)

- A. That Council adopt the non discretionary variations contained in this report.
- B. That \$15,000 be used to fund the consultancy on the Interface issues.
- C. That available funds of \$15,000 be added to working funds.
- D. That \$92,500 be transferred to the Superannuation Reserve.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

580 **Libraries - Waste Management - Toner Recycling Bins**

File: S02227

Question Without Notice from Councillor M Shelley

Can the Director Technical Services liaise with the Director Community Services to place toner recycling bins at all the local libraries?

Answer by the Mayor

Yes.

581 **657 To 661 Pacific Highway, Killara - "Greengate Hotel", Rescission Motion**

File: S02029

Question Without Notice from Councillor E Malicki

Can objectors to the Greengate rezoning be informed as soon as possible that there is a Rescission Motion and be told when the matter will be returning to Council?

Answer by the Mayor

We haven't actually brought up the Rescission Motion at the moment, but I will do that at this point now with you having raised that, Councillor Malicki.

We have received a Motion of Rescission in relation to General Business Item No 7 - Pacific Highway and it has been signed by three Councillors, Councillor Hall, Andrew and Councillor Ebbeck. As a result of that, no further action be taken on this Motion at present.

582 **Conditions Of Consent - Bonds For Landscaping**

File: S02445

Question Without Notice from Councillor T Hall

I refer to the address by a member of the public relating to Court appeals, the imposition of Consents as authorised by S.80 and S.80A of the EP&A Act.

Does the retention of the Landscape Bond conditions remain valid as per the Newbury Tests of reasonableness and fair planning?

Would the General Manager review and advise Councillors, please?

Answer by the Mayor

He will.

APOLOGIES

File: S02194

Councillor G Innes tendered an apology for non-attendance for the meeting of 7 December 2004 (business reasons) and requested leave of absence.

Resolved:

(Moved: Councillors Innes/Shelley)

That the apology by Councillor G Innes for non-attendance on 7 December 2004 be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 27 November 2004 to view the following property:

133 Coonanbarra Road, Wahroonga

The Meeting closed at 10.14pm

The Minutes of the Ordinary Meeting of Council held on 23 November 2004 (Pages 1 - 59) were confirmed as a full and accurate record of proceedings on 7 December 2004.

General Manager

Mayor / Chairperson