

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 27 FEBRUARY 2007

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

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

No interest was declared.

23 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Cross/Lane)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1: **Staff Matter - General Manager** (*Section 10A(2)(a) - Personnel matters concerning particular individuals*) - Report by the Mayor, Councillor Nick Ebbeck.

C.2: **9, 15 & 17 Dumaresq Street, Gordon - Acquisition of Property** (*Section 10A(2)(c) - Information that would confer a commercial advantage*) - Report by Commercial Services Co-ordinator, Director Corporate & Director Open Space & Planning.

CARRIED UNANIMOUSLY

Councillor Shelley arrived

ADDRESS THE COUNCIL

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

T Roberts
A Carroll
Z Edwards

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:

Councillors

Information: **Annual Report 2005 to 2006, Section 428, Local Government Act**
- Memorandum by Senior Governance Officer dated 7 February 2007
in answer to Councillor Hall's Question Without Notice

Implications of Current Expenditure for Local Roads & Improvement of Poor Quality Roads - Memorandum by Director Technical Services dated 9 February 2007 in answer to Councillor Bennett's Question Without Notice of 6 February 2007

Implications of Current Expenditure for Local Roads & Improvement of Poor Quality Roads - Revised Information - Memorandum by Director Technical Services dated 14 February 2007 in answer to Councillor Bennett's Question Without Notice of 6 February 2007

Late Items: **Confirmation of Lost Amendment, Minute No EMC24 of Extraordinary Meeting of Council, 19 December 2006** - Memorandum by Senior Governance Officer dated 7 February 2007 regarding the confirming of the accuracy of the Minute.

Refer GB.2 - 20 to 22 Tryon Road, Lindfield - Demolition of 2 Existing Dwellings & Construction of a 5-Storey Flat Building containing 26 Dwellings - Memorandum by Director Development & Regulation dated 27 February 2007

CONFIRMATION OF MINUTES

24 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 6 February 2007
Minutes numbered 1 to 22

Resolved:

(Moved: Councillors Cross/Lane)

That Minutes numbered 1 to 22 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

The Mayor, Councillor N Ebbeck tabled a letter from Bland Shire Council in relation to the development of the community relationship between Ku-ring-gai Council and Bland Shire Council. The letter also conveyed that Council's appreciation for Ku-ring-gai Council's support to date.

Councillor Malicki then presented a plaque from Bland Shire Council in recognition and appreciation for Ku-ring-gai Council's efforts to support the Bland Shire community.

PETITIONS

25 WA Bert Oldfield Oval - Request to Retain as Off-Leash Area - (One Thousand, Three Hundred & Twenty-three [1,323] Signatures

File: S02258

The following member of the public addressed Council:

J Garland-McLellan

The following Petition was presented by Councillor Lane:

"The W A 'Bert' Oldfield Oval is widely used by local residents. It is the 'village green' for many families. Ku-ring-gai Council has initiated a review of the use of the Oval which could exclude many current users from this facility and which may leave them with no other alternative facility within the local community.

The undersigned call on Ku-ring-gai Council to:

- Keep Bert Oldfield Oval as an off-leash area for family enjoyment
- Provide proper refuse collection facilities

Resolved:

(Moved: Councillors Lane/Ryan)

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

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

26

National Trust Day

File: S02792

As Ku-ring-gai is the birthplace of the National Trust, and an area noted for both its natural and built heritage, I would like to propose that Council play a prominent role in the inaugural National Trust Day, to be celebrated on Sunday, March 18, 2007.

In recent months I have held discussions with Trust representatives about possible ways for Council to participate, and to contribute to this significant event, which the Trust plans to hold each year.

As a result of these discussions, I propose the following initiatives for Council to either support or undertake in association with National Trust Day:

- A tree planting ceremony at Heritage Square in Gordon, on Friday March 16
- Local church services to mark the day
- Open days at Eryldene and Tulkiyan historic homes, and the Swain Gardens
- A series of talks at the Gordon Library on heritage homes titled "What house is that"
- The production of National Trust Day commemorative bookmarks to distribute throughout the community
- Donation of 200 assorted Eucalypt tubestock to the Trust.
- Presentation of commemorative bookmarks.

We have also been asked to contribute to the production of a special gum leaf lapel pin containing the statement, “Proudly supported by Ku-ring-gai Council – living with trees”.

Local school students are being enlisted to help sell these lapels and other National Trust merchandise at local centres on Friday March 16.

National Trust Day on Sunday March 18 will feature a major celebration at the Trust Centre at the southern end of Sydney Harbour Bridge. The bridge will be closed to traffic between 5am and 11pm and many thousands of people are expected to walk across it.

This is a great opportunity for Council to take an active and high profile role in the first ever National Trust Day celebrations and to honour our community’s long and distinguished association with the National Trust.

I seek the support of Councillors to proceed with these plans.

Resolved:

That Council provide \$1,300.00 to fund the following National Trust Day initiatives (the funding is to be sourced from the existing events budget contained within the Community Services):

- A. Production of commemorative bookmarks \$800.00.
- B. Contribution to National Trust for production of gum leaf lapel pins \$500.00.
- C. Donation of 200 Eucalypt tubestock.

CARRIED UNANIMOUSLY

27 **Harry Seidler Reserve**

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Files: S02792, P46928

I recently attended a meeting with Tina Jackson of the National Trust of Australia (NSW) and Penelope Seidler regarding a proposal to name the reserve adjacent to Wattle Street and Kylie Avenue at Killara as Harry Seidler Reserve, in recognition of the late Harry Seidler.

It is proposed the naming of the reserve aligns with the launch of the National Heritage Day. This initiative has the support of the National Trust of Australia.

Council's involvement is required both in terms of naming the reserve (as per the guidelines set by the Geographical Names Board) and erection of associated signposting.

Resolved:

That Council liaise with the National Trust of Australia (NSW) to commence the process of naming the reserve adjacent to Wattle Street and Kylie Avenue, Killara as Harry Seidler Reserve.

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

Against the Resolution: *Councillor Bennett*

GENERAL BUSINESS

28 **20 to 22 Tryon Road, Lindfield - Demolition of Two (2) Existing Dwellings & Construction of a Five (5) Storey Residential Flat Building containing Twenty-Six(26) Dwellings**

File: DA0826/06

Ward: Roseville

Applicant: Mr Mohammed Chehelnabi - PD Mayoh Pty Ltd

Owners: Mrs L Fraser & Mrs A E Locke

To determine development application No.826/06, which seeks consent for demolition of two (2) existing dwellings and construction of a five (5) storey residential flat building containing twenty-six (26) dwellings with basement parking for 62 vehicles.

Resolved:

(Moved: Councillors Shelley/Anderson)

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 826/06 for demolition of two dwelling houses and construction of a residential flat building on land at 20-22 Tryon Road, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev.	Description	Author	Dated	Lodged
001	D	Cover sheet and calcs	PD Mayoh P/L	April 06	28 July 2006
002	D	Site survey	PD Mayoh P/L	April 06	28 July 2006
003	D	Site plan	PD Mayoh P/L	April 06	28 July 2006
004	B	Demolition & ES control	PD Mayoh P/L	April 06	28 July 2006
010	D	Streetscape elevation	PD Mayoh P/L	April 06	28 July 2006
011	D	Streetscape elevation	PD Mayoh P/L	April 06	28 July 2006
098	D	Basement 2 plan	PD Mayoh P/L	April 06	28 July 2006
099	D	Basement 1 plan	PD Mayoh P/L	April 06	28 July 2006
100	D	Ground floor plan	PD Mayoh P/L	April 06	28 July 2006
101	C	Level 1 plan	PD Mayoh P/L	April 06	28 July 2006
102	C	Levels 2 & 3 plan	PD Mayoh P/L	April 06	28 July 2006
103	C	Level 4 plan	PD Mayoh P/L	April 06	28 July 2006
104	C	Level 5 plan	PD Mayoh P/L	April 06	28 July 2006
105	C	Roof plan	PD Mayoh P/L	April 06	28 July 2006
150	C	North and south elevations	PD Mayoh P/L	April 06	28 July 2006
151	C	East and west elevations	PD Mayoh P/L	April 06	28 July 2006
160	C	Section A	PD Mayoh P/L	April 06	28 July 2006
161	C	Section B	PD Mayoh P/L	April 06	28 July 2006
162	C	Section C	PD Mayoh P/L	April 06	28 July 2006
163	C	Section D	PD Mayoh P/L	April 06	28 July 2006
LP-01	E	Landscape site plan	John Lock & Associates	April 06	28 July 2006
LP-02	E	Landscape elevations	John Lock & Associates	April 06	28 July 2006
LP-03	E	Landscape sections	John Lock & Associates	April 06	28 July 2006

2. The proposed ground level courtyard adjoining Unit A106 is to be deleted and replaced with landscaping, in order to increase landscaping in the front setback area and improve the streetscape appearance. Details are to be provided on an amended landscape plan, as required by Condition No. 94. (Reason – to increase landscaped area and improve the streetscape appearance)
3. 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.
4. 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.
5. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays:

8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
11. Compliance with the notations overdrawn on the consent plans.
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. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.

- b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
19. 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.
20. 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.

21. 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.
22. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the 21. Certificate.
23. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

24. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
25. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
26. The fence and footings shall be constructed entirely within the boundaries of the property.

27. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
28. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
29. 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.
30. 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.
31. 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.

32. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
33. 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.

34. 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.
35. 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.
36. 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.
37. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
38. 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.
39. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
40. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
41. 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.
42. 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.
43. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
44. 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.
- 45. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 46. 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.**
- 47. 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”*.
- 48. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
- 49. 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.
- 50. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
- 51. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.

52. 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.
53. 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.
54. No advertising signs are to be erected without the prior consent of Council.
55. 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 24 ADDITIONAL DWELLINGS IS CURRENTLY \$700,004.56. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Lindfield	\$8,223.35
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

56. 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 Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
57. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
58. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
59. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
60. For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Council's adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
61. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

62. The provision of temporary sediment and erosion control facilities and measures must 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 up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
63. 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. The Applicant is to 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.
64. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
65. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
- Appropriate excavation method;
 - Vibration monitoring and control,
 - Support and retention of excavated faces,
 - Dilapidation survey of neighbouring structures,
 - Hydrogeological considerations.
- Must be undertaken in accordance with the recommendations of the geotechnical report by Jeffery and Katauskas and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
66. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas Ref 20097SPrpt, dated 29 March 2006. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,

- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

67. Removal or pruning of the following trees is not approved as part of this Development Application. A tree report prepared by Tree and Landscape Consultants, dated 29 March 2006, has been submitted. Tree numbers refer to this report.

Tree/ Location

Lophostemon confertus (Brushbox) Tree 13

68. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location

Thuja sp. (Arborvitae) Trees 5

Thuja sp. (Arborvitae) Trees 6

Taxodium distichum (Swamp Cypress) Trees 8

Chamaecyparis lawsoniana (Cypress) Trees 9

Bauhinia variegata (Butterfly Bush) Tree 11

Chamaecyparis lawsoniana (Cypress) Trees 12

Cassia fistula (Golden Shower Tree) Tree 15

Lagerstroemia indica (Crepe Myrtle) Tree 16

Magnolia x soulangiana (Magnolia) Tree 17

Cupressus macrocarpa (Cypress) Tree 18

Cupressus macrocarpa (Cypress) Tree 19

Plumeria sp. (Frangipani) Tree 20

Lagerstroemia indica (Crepe Myrtle) Tree 21

Tree Works

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

69. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

Time of inspection

All existing trees located on site being retained

Prior to demolition

At the completion of
demolition

Prior to excavation works

At the completion of
excavation works

Prior to the start of
construction works

At monthly intervals during
construction

At the completion of
construction works

At the completion of all works
on site

70. Canopy pruning of the following tree/s which may be necessary to accommodate the approved building footprint shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All other branches are to be tied back and protected during construction as recommended in the arborist report, under the supervision of a qualified arborist.

Tree/Location

Jacaranda mimosifolia (Jacaranda) Tree 1
Acer palmatum (Japanese Maple) Tree 2
Jacaranda mimosifolia (Jacaranda) Tree 3
Jacaranda mimosifolia (Jacaranda) Tree 4
Jacaranda mimosifolia (Jacaranda) Tree 7
Jacaranda mimosifolia (Jacaranda) Tree 14
Cassia fistula (Golden Shower Tree) Tree 15
Lagerstroemia indica (Crepe Myrtle) Tree 16

71. Root pruning of the following tree/s which may be 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:

Tree/Location

Tree Works

<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 1	Root Pruning
<i>Acer palmatum</i> (Japanese Maple) Tree 2	Root Pruning
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	Root Pruning
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 4	Root Pruning
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 7	Root Pruning
<i>Lophostemon confertus</i> (Brushbox) Tree 13	Root Pruning
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	Root Pruning
<i>Cassia fistula</i> (Golden Shower Tree) Tree 15	Root Pruning
<i>Lagerstroemia indica</i> (Crepe Myrtle) Tree 16	Root Pruning

72. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

73. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location

Radius From Trunk

<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 1	4m
<i>Acer palmatum</i> (Japanese Maple) Tree 2	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	3m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 4	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 7	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	3m
<i>Cassia fistula</i> (Golden Shower Tree) Tree 15	3m
<i>Lophostemon confertus</i> (Brushbox) Tree 13	5m

Lagerstroemia indica (Crepe Myrtle) Tree 16 2m

74. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
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<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 1	4m
<i>Acer palmatum</i> (Japanese Maple) Tree 2	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	3m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 4	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 7	4m
<i>Lophostemon confertus</i> (Brushbox) Tree 13	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	3m
<i>Cassia fistula</i> (Golden Shower Tree) Tree 15	3m
<i>Lagerstroemia indica</i> (Crepe Myrtle) Tree 16	2m

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

76. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/From	To
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	Northern boundary

77. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Tryon Road as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
<i>Lophostemon confertus</i> (Brushbox)	3

78. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Tryon Road as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
<i>Lophostemon confertus</i> (Brushbox)	5

79. 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.
80. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will

be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

81. Critical Stage Inspections for Building Work (Class 2):

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) At the commencement of the building work; and
- b) Prior to covering of waterproofing in any wet areas, for a minimum of 10 percent of rooms with wet areas within a building; and
- c) Prior to covering any stormwater lines/connections; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- e) Other inspection required by PCA

Critical Stage Inspections for Building Work (Class 7):

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) At the commencement of the building work; and
- b) Prior to covering any stormwater drainage lines/connections; and
- c) After the building work has been completed and prior to any occupation certificate issued in relation to the building;
- d) Other inspection as required by the PCA.

If the person having the benefit of the development consents appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate, the PCA must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (d), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.

The final inspection detailed at subclause (d) may only be carried out by the PCA.

For each inspection, the principal contractor (or owner builder) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

Where Council undertakes an inspection each inspection costs, \$180 (includes GST).

82. BASIX Certificate Compliance

The development shall fully comply with the schedule of BASIX Commitments specified with BASIX CERTIFICATE NO: **120659M**, Plans and specifications indicating the Basix Commitments to be satisfied at Construction Certificate

stage shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.

83. Fire Safety Schedule:

In determining the Construction Certificate, Council or Accredited Certifier shall issue a '**Fire Safety Schedule**' specifying the fire safety measures (both current and proposed) that shall be implemented in the building premises.

84. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

85. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing. **For this development, the driveway crossing is to be 7 metres wide at the kerb to improve access and manoeuvring in the event that 90 degree parking is installed on the opposite side of Milray Street.**

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 Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

86. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of

the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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

- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

88. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Council’s Water Management Development Control Plan 47.
89. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- Water quality measures.
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
- Stormwater pits and lines are to be located outside the deep soil landscaped area.

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept plans by ITM Design submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

90. The Applicant must submit carry out the following infrastructure works in the Public Road:
- a. Construct a new concrete footpath along the Milray Street frontage of the site;
 - b. Construct new kerb and gutter and footpath along the Kochia Lane frontage of the site.

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.

91. 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.

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 1	4m
<i>Acer palmatum</i> (Japanese Maple) Tree 2	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	3m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 4	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 7	4m
<i>Lophostemon confertus</i> (Brushbox) Tree 13	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	3m
<i>Cassia fistula</i> (Golden Shower Tree) Tree 15	3m
<i>Lagerstroemia indica</i> (Crepe Myrtle) Tree 16	2m

92. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 1	4m
<i>Acer palmatum</i> (Japanese Maple) Tree 2	6m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	3m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 4	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 7	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	3m
<i>Cassia fistula</i> (Golden Shower Tree) Tree 15	3m
<i>Lagerstroemia indica</i> (Crepe Myrtle) Tree 16	2m

93. The submitted landscape plan LP-01/G and LP-01.1/C, dated 28/11/06 prepared by John Lock and Associates is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- Spot levels to all existing trees to be retained.
 - Proposed street trees to be shown at 10m centres.
 - Existing levels are to be retained beneath the canopy drip lines of all trees to be retained on site and adjoining properties.
 - Proposed planting of all canopy trees to be minimum 5 metres from building.
 - Proposed planting of canopy trees to be at 10 metres centres.
 - Proposed planting of *Angophora costata* along eastern and western boundary to be substituted with *Syncarpia glomulifera* (Turpentine).
 - Proposed planting of *Angophora costata* along southern boundary to be substituted with *Eucalyptus saligna* (Sydney Blue Gum).
 - Screen planting species of *Syzigium*, *Acmena* and *Leptospermum* to be provided that can attain 4-6m in height.
94. A CASH BOND/BANK GUARANTEE of \$10 000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory

inspection, where landscape works have 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.

95. The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the Construction Certificate Application are:
- a) A set of architectural plans and specifications complying with the development consent plans, conditions and the Building Code of Australia.
 - b) If the application for the Construction Certificate is with Council you will have to submit engineering details for all structural elements i.e. Piers, footings, reinforced concrete slab, first floor joist layout, roof trusses layout, bracing and hold down details, steel beams etc, where relevant, for approval. A practising consulting structural engineer must prepare the details.
 - c) A plan indicating the location of smoke alarm installation for the proposed development.
 - d) Details of proposed termite treatment for the proposed development.
 - e) Essential services plan outlining the existing and proposed fire safety measures.
 - f) Disable access provisions to common and public areas in accordance with AS1428 parts 1-4 inclusive.

NOTE

Should any alternative solution to satisfy the performance requirements of the Building Code of Australia for part of the Construction Certificate Application the following is to be met:

Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the Building Code of Australia; and

A statement about the person who prepared the alternative solution, indicating qualification, experience, insurance details, and membership of an approved accreditation body.

(Any performance-based application may be required to be reviewed by a suitable qualified independent body. Any cost relating to this reviewed will be the responsibility of the applicant and must be paid **prior to the release of the Construction Certificate**)

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

96. Prior to the commencement of any works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of structures at 24 Tryon Road.

Any reports must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

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

Traffic Control Plan(s) for the site

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

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

Light traffic roads (including Kochia Lane) and those subject to a load or height limit must be avoided at all times unless otherwise approved.

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

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

97A *For traffic and pedestrian amenity purposes, no truck movements shall occur in Tryon Road or Milray Street during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm). Details are to be provided in the Construction and Traffic Management Plan required by Condition 97.*

98. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

99. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:

- Full road pavement width, including kerb and gutter, of Kochia Lane, Milray Street and Tryon Road over the site frontage.
- All driveway crossings and laybacks opposite the site.

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

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

100. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

101. 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/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 1	4m
<i>Acer palmatum</i> (Japanese Maple) Tree 2	2.5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 4	4m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 7	4m
<i>Lophostemon Confertus</i> (Brushbox) Tree 13	5m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 14	3m
<i>Cassia fistula</i> (Golden Shower Tree) Tree 15	3m
<i>Lagerstroemia indica</i> (Crepe Myrtle) Tree 16	2m

102. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
103. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
- Tree Protection Zone
 - This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 - If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 - Name, address, and telephone number of the developer.
104. Written permission for the removal of Trees 18 & 19 is to be obtained from the owners of No.24 Tryon Road.
105. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

106. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. 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.
107. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

All photographs to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following:

- Each elevation
- Photographs of specific details nominated by Council
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Floor Plan (1:100)
- Black & White archival quality photographs, contact prints and selected prints (one copy with negatives other copies with contact sheets and selected prints)
- Colour slides (one set)
- Colour photographs (one copy with negatives)

Digital images may be submitted provided the images are printed on archival quality paper and the recording document is generally consistent with the NSW Heritage Council guidelines for photographic recording using film or digital capture.

108. This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate and lodgement of Notice of Commencement.

Please be informed that a Construction Certificate is not required for demolition. Demolition work can be carried out without a Construction Certificate but must comply with any conditions relating to demolition within the Development Consent.

109. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

110. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
111. New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

112. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings.

The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

113. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
114. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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 reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
115. Prior to issue of the Occupation Certificate an easement for waste collection is to be created under Section 88B or 88E of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.
116. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of any works-as-executed drawings required under this consent

- 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 applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

117. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
118. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed car park complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.5m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.
119. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - That retained water is connected and available for uses including toilet flushing, laundry and garden irrigation as required by the BASIX commitments.

- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

120. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

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

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

121. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
122. Prior to issue of the Occupation Certificate a suitably qualified consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
- a) According the relevant Australian Standards and guidelines, and
 - b) According to any approved Geotechnical report undertaken for the development, and
 - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
123. 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 including:
- Full road pavement width, including kerb and gutter and verge, of Kochia Lane, Milray Street and Tryon Road, for site frontage.
 - Structures at 24 Tryon Road.

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.

124. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority is required as specified. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
125. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
126. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate
127. Fire Safety Certificate
- A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment)

Regulation 2000, before a final occupation certificate can be issued for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be

- Forwarded to Ku-ring-gai Council;
- *If required forwarded to the Commissioner of the New South Wales Fire Brigade; and*
- Prominently displayed in the building.

128. Annual fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulations (as amended) the owner of the building shall furnish to Council with an annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

129. No Occupation or use of the building (*or change of use where an existing building*) may commence until the Principal Certifying Authority (PCA) has issued an interim occupation certificate or final occupation certificate.

130. Prior to issuing an Occupation Certificate (either Interim or Final) for occupation or use of the building (*or change of use where an existing building*) the PCA is required to be satisfied, amongst other things, that:

- a) All required inspections (including each applicable mandatory critical stage inspection have been carried out; and
- b) Any preconditions to the issue of the certificate required by a development consent or complying development certificate have been met.

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

Against the Resolution: *Councillor Malicki*

29 **Investment & Loan Liability as at 31 January 2007**

File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for January 2007.

Resolved:

(Moved: Councillors Shelley/Lane)

That the summary of investments and loan liabilities for January 2007 be received and noted.

CARRIED UNANIMOUSLY

30 **5 Suakin Street/986 Pacific Highway, Pymble – EnergyAustralia
Request for Short Term Lease**

.
File: P54824

Provide Council with details of a request from EnergyAustralia for a short term lease over a portion of Council-owned vacant land at 5 Suakin Street/986 Pacific Highway, Pymble (Lot 1 in DP 830320).

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council approve a four (4) month lease (with a monthly holdover clause) over part of 5 Suakin/986 Pacific Highway, Pymble to EnergyAustralia.
- B. That Council authorise the Mayor and General Manager to execute all documentation associated with the lease.
- C. That Council authorise the affixing of the Common Seal of Council to the lease documentation.

CARRIED UNANIMOUSLY

31 **Draft Local Environmental Plan No 211 - Consideration following Public
Exhibition**

.
File: S05706

To consider the finalisation of Draft Local Environmental Plan No 211 following completion of the statutory public exhibition.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That Council adopt Draft Local Environmental Plan No 211 embodying the minor Parliamentary Counsel amendments.

- B. That Draft Local Environmental Plan No 211 as adopted together with the Council Planning report be forwarded to the Department of Planning in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979.
- C. That Council further prepare a Section 69 Report to the Minister requesting the making of the Plan and that this also be forwarded to the Department of Planning for processing.
- D. That the National Parks and Wildlife Service be advised of Council's resolution.

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

Against the Resolution: *Councillor Bennett*

32

4 Ontario Avenue, Roseville - To alter Terms of Drainage Easement & Connection to Council Stormwater Pipeline

File: DA1523/03-2

To consider a request by owners of No 4 Ontario Avenue Roseville to alter the terms of the Council drainage easement over downstream properties to permit connection and discharge into a Council pipeline.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That Council grants approval for the extinguishment of the existing easement over Nos 6, 8 and 10 Thomas Avenue and creation of a new drainage easement 1.83m wide over the existing stormwater pipeline.
- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of said Easement for Drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.

CARRIED UNANIMOUSLY

33 **Alcohol Free Zones**

File: S03151

To consider the re-establishment of Alcohol Free Zones in South Turramurra Shopping Centre, South Turramurra, Wade Lane Car Park, Gordon and St Ives Village Green, St Ives.

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That Council proceeds with the proposal to renew the Alcohol Free Zones in South Turramurra Shopping Centre, Wade Lane Car Park and St Ives Village Green, by notification and invitation for public comment in accordance with Section 644A of the Local Government Act 1993.
- B. That should there be no substantial objections, the General Manager be authorised to implement the operation of the Alcohol Free Zones.
- C. That the Alcohol Free Zones be established for a period of three (3) years from the date of declaration in accordance with the provisions of the Local Government Act (Alcohol Free Zones) 1995.

CARRIED UNANIMOUSLY

34 **Budget 2006/2007 2nd Quarter Review as at end December 2006**

File: S04708

To present to Council the quarterly financial review for the 2nd quarter ended 31 December 2006.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That Council adopt the variations contained in the report.
- B. That \$78,600 be transferred to the Swimming Pool Reserve.
- C. That a Tennis Court Reserve be established with \$120,000 transferred to it.
- D. That \$228,450 be transferred to the Golf Course Improvement Levy.

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

Against the Resolution: Councillor Bennett

35 **2006 to 2010 Management Plan, 2nd Quarter Review as at 31 December 2006**

.
File: S04708

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2006-2010 Management Plan.

Resolved:

(Moved: Councillors Shelley/Ryan)

That the report on the progress of the Key Performance Indicators contained in the 2006-2010 Management Plan for the 2nd quarter of the Plan, be received and noted.

CARRIED UNANIMOUSLY

36 **NSW Department of Local Government Comparative Data 2004/2005**

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File: S02779

To present to Council an analysis of the NSW Department of Local Government Comparative Data Report for 2004/2005.

Resolved:

(Moved: Councillors Shelley/Ryan)

That Council receive and note the analysis of Department of Local Government 2004/2005 Comparative Data report.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

37 **Acquisition/Lease of Public Land by St Ives Village Shopping Centre**

.
File: S04019

Notice of Motion from Councillor L Bennett dated 6 February 2007.

I move that:

"A Report come to Council on the content of all discussions held in the term of this Council between staff/consultants and the St Ives Shopping Village on the acquisition/lease by the Shopping Village of public land including (but not limited to):

- (a) Shopping Village/Council proposals for the sale/lease of public land (broken down by DP number) and any responses to such proposals.
- (b) An explanation of why the content of these discussions was not reported to Council/Councillors.
- (c) An explanation of why Council holds no records of these discussions on TRIM.
- (d) An explanation of why no disclosure of these discussions was made to the Independent Hearing on Community Lands for St Ives.
- (e) and the Report come to a Council meeting held before the meeting which considers the issue of the reclassification of community land in St Ives. This will enable an informed debate on the issue of reclassification."

Resolved:

(Moved: Councillors Bennett/Hall)

That the above Notice of Motion as printed be adopted.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Bennett, Cross, Hall, Malicki, Shelley &
Anderson*

Against the Resolution: Councillors Lane & Ryan

GENERAL BUSINESS (cont)

- 38 **9 to 15 Kings Avenue, Roseville - Demolition of 4 Dwellings &
Construction of a Residential Flat Building containing 23 Units &
Basement Car Parking for Vehicles, Section 96(2)**

File: DA1285/04-2

Ward: Roseville

Applicant: Lindsay Hunt

Owners: B Carbines, B Eschmann, J Teer and ETC Developments Pty Ltd

The following members of the public addressed Council:

M Hill

H Badger

D Grosvenor

B Holgate

L Hunt

To determine a section 96 modification to the consent to development application No. 1285/04, which proposes the following modifications:

Resolved:

(Moved: Councillors Shelley/Anderson)

Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, modify development consent to DA 1285/04, for demolition of 4 dwellings and the construction of a residential flat building containing 23 units and basement car parking for 52 vehicles on land at 9 to 15 Kings Avenue, Roseville, in the following manner:

1. Condition No 1 is modified so as to read as follows:

The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev.	Description	Author	Dated	Lodged
A-002	A	Photo Montage	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-003	A	Entry Perspective	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-101	A	Location Plan	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-102	A	Survey Plan	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-103	A	Site Analysis	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-104	A	Existing Building Use	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-105	A	Existing Circulation	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-106	A	Existing Open Space	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-107	A	Opportunities analysis	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-108	C	Building Edges	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-109	C	Landscape Response	Fitzpatrick & Partners	26 November 2004	18 July 2005
A-110	B	Building Performance	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-111	C	Deep Soil Planting	Fitzpatrick & Partners	26 November 2004	18 July 2005
A-112	B	Access & Parking	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-113	D	Landscape Area & Site Cover	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-114	B	Sun Diagrams – equinox	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-115	C	Sun Diagrams – June	Fitzpatrick & Partners	8 July 2005	18 July 2005
SK24	A	Level 1 Basement	Fitzpatrick & Partners	17 August 2005	18 August 2005
SK25	A	Level 2 Basement	Fitzpatrick & Partners	17 August 2005	18 August 2005
SK26	A	Level 3 Entry	Fitzpatrick & Partners	17 August 2005	18 August 2005
A-204	C	Level 4	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-205	C	Level 5	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-206	C	Level 6	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-207	D	Level 7	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-208	C	Level 8	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-209	C	Roof	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-301	A	West Elevation Montage	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-302	C	West Elevation	Fitzpatrick & Partners	26 November 2004	18 July 2005
A-303	E	East Elevation	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-304	C	North Elevation	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-305	C	South Elevation	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-401	D	Section A-A	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-501	A	Detailed Entry Plan	Fitzpatrick & Partners	19 October 2004	18 July 2005
SK03	J	Landscape Plan	McGregor & Partners	December 2004	22 April 2005
SK08	B	Diagrammatic Section 1	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK09	B	Diagrammatic Section 2	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK10	B	Diagrammatic Section 3	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK27	A	Detail Section 5	Fitzpatrick & Partners	17 August 2005	18 August 2005
SK12	B	Area Diagram L5	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK13	B	Area Diagram L6	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK14	B	Area Diagram L7	Fitzpatrick & Partners	5 July 2005	18 July 2005

SK15	B	Area Diagram L8	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK16	A	Typical Accessible Plan	Fitzpatrick & Partners	14 July 2005	18 July 2005
SK20	B	Front Boundary Setback Level 4	Fitzpatrick & Partners	5 July 2005	18 July 2005

And as amended in highlighting on plans prepared by Fitzpatrick and Partners, dated 7 September 2006, reference A-109E, A-111E, A-113F, A-201G, A-202G, A-203E, A-204D, A-205D, A-206D, A-207E, A-209D, A-302D, A-303F, A-304D, A-305D, SK06-B, SK07-B, SK08-C, SK09-C, SK10-C, SK12-C, SK13-C, SK14-C, SK15-C, SK17C, SK18C, SK19-C, SK20-C, SK21-B, SK22-B, SK34-B, lodged with Council on 11 September 2006, and Sun Diagrams dated 28 November 2006, reference A-114C, A-115D, lodged with Council on 7 December 2006.

2. Conditions Nos 23, 89 and 90 are modified so as to read as follows:

Condition 23 is amended as follows with the addition of Trees #2 & #6.

23. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at quarterly/three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the Occupation Certificate.

No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
#2 <i>Angophora costata</i> (Sydney Red Gum) Adjacent to the south eastern corner	7.0m
#6 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in the rear setback	7.0m
#08 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear garden	8.0m
#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary on the Kings Ave nature strip	6.0m

Condition 89 is amended as follows, with the minor reduction to the tree protection zone for Tree # 6

89. 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
#01 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to the south-eastern site corner	5.0m
#03 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-eastern/rear site boundary	8.0m
#05 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north-eastern/rear site boundary	6.0m
#06 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in rear setback	3.0m
#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary on the Kings Ave nature strip	3.0m
#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site corner on Kings Ave nature strip	6.0m
#13 <i>Angophora costata</i> (Sydney Redgum) Adjacent to western site corner within Council's road reserve	6.0m
#18 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the northern site boundary	6.0m

Condition 90 is amended as follows with the minor reduction to the tree protection zone for Tree # 2 and to correct the location of the tree protection fencing to be erected.

90. To preserve the ongoing health and vigour of Tree #2 *Angophora costata* (Sydney Redgum) located adjacent to the eastern site boundary, protection fencing will require two stages. The first stage is to construct a 1.8m fence at a 2.8m metres distance from the base of the tree along the edge of the existing pool line and to a 9.0m radius in both directions, encompassing Tree #2 and the *Jacaranda* #1 on the high side. Once the fence has been constructed, demolition of the swimming pool can proceed ensuring that the tree receives ample protection during the demolition of the pool.

Following the demolition works the fence shall be relocated to a distance of 5.0 metres on the trees western side.

The fill left at the base of the tree as a consequence of the pools construction should be removed and the soil level reinstated to close to original grade. This is to be done under the direct supervision of the site Arborist to ensure roots are not exposed during the removal of the waste fill.

3. The following condition is deleted:

Condition No 80.

Councillor Cross departed during discussion of the above

Councillor Malicki departed during discussion of the above

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

Against the Resolution: *Councillors Hall, Shelley & Anderson*

39

Motion of Dissent

File: S04145

During debate on the above matter (refer Minute No 38), a Motion of Dissent was moved by Councillor Bennett against the Mayor calling her to order.

When put to the vote, the Motion of Dissent was LOST.

For the Motion of Dissent: *Councillors Bennett, Malicki & Shelley*

Against the Motion of Dissent: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan & Anderson*

40

Policy on the Payment of Expenses & Provision of Facilities to Councillors

File: S03779

To adopt a new Policy on the Payment of Expenses and Provision of Facilities for Councillors following public exhibition of the revised draft Policy.

Resolved:

(Moved: Councillors Anderson/Shelley)

- A. That the Policy on the Payment of Expenses and Provision of Facilities to Councillors dated February 2007, as amended, be adopted.
- B. That for the period March to August 2007 the maximum amount of reimbursement for the provisions under Clause 2.9 (Care and Other Related Expenses) be \$1,000 each, being 50% of the annual limits.

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

Against the Resolution: *Councillor Bennett*

41 **Analysis of Land & Environment Court Costs - 2nd Quarter 2006/2007**

.
File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the quarter ended 31 December 2006, including appeals commenced, costs incurred by Council and outcomes.

Resolved:

(Moved: Councillors Hall/Anderson)

That the analysis of Land & Environment Court costs for the second quarter of the financial year 2006/2007 be received and noted.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

42 **Accurate Depreciation in Annual Financial Accounts**

.
File: S04708

Notice of Motion from Councillor L Bennett dated 6 February 2007.

I move that:

"(A) Council use accurate estimates of the value of its assets to calculate depreciation liability in the annual financial reports

(B) A Report outlining the methodology for accomplishing this be presented to Council as soon as possible in 2007."

Resolved:

(Moved: Councillors Bennett/Shelley)

That a report outlining the methodology for determining the value of Council's assets to calculate depreciation liability in the annual financial reports, be presented to Council as soon as possible in 2007.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**43 Request Review of Maclaurin Parade & Pacific Highway Intersection**

Files: S02636, S03696

Question Without Notice from Councillor J Anderson

Following the approval tonight of the DA for 9 to 15 Kings Avenue, Roseville, could the Traffic Committee review the intersection of Maclaurin Parade and Pacific Highway to consider traffic impacts and advise Council regarding any actions that can be taken for improvements?

Answer by the Director Technical Services

The Traffic Committee is not permitted to actually debate or consider matters relating to intersections on the Pacific Highway or any main road. All I can suggest is that the matter be referred to the local member or to the RTA.

44 School-based Anti-Graffiti Education Awareness & Prevention Programs

File: S05122

Question Without Notice from Councillor J Anderson

Could the Council explore possibilities for school-based anti-graffiti education awareness & prevention programs as suggested by Lindfield Chamber of Commerce as a means to address an increasing and costly graffiti problem in our community?

Answer by the Director Technical Services

We can consider that as part of the process where there is a matter coming up to the next Policy Committee. There is a report on that & also a policy going up, so that could probably be looked at that particular time.

45 Land & Environment Court Act - Neighbourhood Disputes regarding Trees

File: S02052

Question Without Notice from Councillor M Shelley

Would the General Manager advise Councillors of the impact of the recent Act (to give the Land & Environment Court the power to settle neighbourhood disputes regarding trees - including the power for tree removal) on Council's Tree Preservation policy?

Answer by the General Manager

I would be happy to list that as an Agenda item for the next Planning Committee.

46 Complaint regarding Lack of Footpaths from Roseville Station

File: S02627

Question Without Notice from Councillor M Shelley

Would the Director Technical Services respond to the recent Letters to the Editor from the pregnant Roseville resident who complains regarding the lack of footpaths from Roseville Station as to when those footpaths may be installed or upgraded and provide a copy of such correspondence to Councillors?

Answer by the Director Technical Services

Happy to. I just wasn't sure whether the details of the resident's concerns - are they contained in the actual letter? Yes, we will do our best.

47 Roads Restoration Funds

File: S03152

Question Without Notice from Councillor T Hall

I ask the General Manager to provide a report on the legality of road restoration funds applied as a condition in development consents issued by this Council, please?

Answer by the Mayor

The General Manager will report.

48 St Ives Village Town Centre

File: S04019

Question Without Notice from Councillor T Hall

Following Council's recent discussions with the Planning Minister and his Department, have any changes been suggested in relation to the St Ives Town Centre? I am particularly concerned about the future of the Council's Car Park at the St Ives Village adjacent to Cowan Road.

Answer by the Director Open Space & Planning

There have been no specific discussions with the Department of Planning with relation to any of the specific proposals in any of the Town Centre plans. We did have a quarterly meeting with the Department of Planning yesterday. The advice provided to

us by the Departmental staff was they had considered a preliminary assessment of the plans and that was all the information they gave us at that stage.

49 **Correspondence for Councillors**

File: S02943

Question Without Notice from Councillor A Ryan

I am concerned at the length of time it takes for external mail to reach Councillors once it has been received by Ku-ring-gai Council. Could the General Manager please look at this issue with a view to speeding up the process?

Answer by the Mayor

The General Manager and Director Corporate will look at that.

50 **Environmentally Sensitive Areas**

File: S02006

Question Without Notice from Councillor L Bennett

Could staff consider re-activating the program of mapping and ground truthing of environmentally sensitive areas and inclusion of the program in next year's Management Plan?

Answer by the Director Open Space & Planning

Staff actually have outlined that, that will be part of the process for undertaking the comprehensive LEP that was discussed at the recent Councillors workshop, so that will be work that we will be undertaking.

*Standing Orders were suspended to deal with
Item C.2 prior to Item C.1 after a
Motion moved by Councillors Ryan & Lane
was CARRIED UNANIMOUSLY*

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

51 **9, 15 & 17 Dumaresq Street Gordon - Acquisition of Property**

File: S05930

Report by the Commercial Services Co-ordinator, Director Corporate & Director Open Space & Planning dated 26 February 2007.

**Councillor Shelley departed
during discussion**

Resolved:

(Moved: Councillors Ryan/Lane)

That further reporting to Council with regard to this matter occur as outlined in the report.

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

Against the Resolution: Councillor Hall

52

Staff Matter - General Manager

(Section 10A(2)(a) - Personnel matters concerning particular individuals)

File: S03001

Report by the Mayor, Councillor Nick Ebbeck.

Resolved:

(Moved: The Mayor, Councillor Ebbeck/Councillor Andrew)

That the Confidential Report be adopted.

CARRIED UNANIMOUSLY

The Mayor adverted to the consideration of the matters referred to in the Minutes numbered 51 and 52, and to resolutions contained in such Minutes.

The Meeting closed at 10.11pm

The Minutes of the Ordinary Meeting of Council held on 27 February 2007 (Pages 1 - 51) were confirmed as a full and accurate record of proceedings on 13 March 2007.

General Manager

Mayor / Chairperson



POLICY

for the Payment of Expenses and Provision of Facilities to Councillors

(Section 252, Local Government Act 1993)

Adopted by Council 27 February 2007
Minute No. 40

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POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

(SECTION 252, LOCAL GOVERNMENT ACT 1993)

Part 1 INTRODUCTION

Title and Commencement of the Policy

- 1.1** This Policy shall be cited as the Policy for the Payment of Expenses and Provision of Facilities to Councillors.

The Policy is effective from <date>.

In this Policy, unless otherwise stated, the expression “Councillor” refers to all Councillors of Ku-ring-gai Council including the Mayor and Deputy Mayor.

In this Policy the expression “year of term” means the twelve (12) month period commencing on the date of election to Council of a Councillor and every subsequent twelve (12) month period of the term of office.

Purpose of the Policy

- 1.2** The purpose of this Policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors. The Policy also ensures that the facilities provided to assist and support the Councillors to carry out their civic functions are reasonable.

Objectives and Coverage of the Policy

- 1.3** The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to, the Councillors the cost of which shall be met by Council.

This Policy also aims to uphold and demonstrate the following key principles:

- **Conduct.** Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act ("the Act") or any other Act.

- **Participation, equity and access.** The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic functions and business of Council.

- **Accountability and transparency.** The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.
- **Reasonable expenses.** Councillors shall only be reimbursed for expenses reasonably incurred in the performance of their role as a Councillor.

Only those entitlements specifically described in this Policy shall be provided by Council.

Making and Adoption of the Policy

- 1.4** This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993. These sections are set out in clause 1.6.

The Policy is to be adopted by Council annually, within 5 months after the end of each financial year.

Prior to adoption public notice must be given and public submissions invited for 28 days. Council must then consider all submissions received and make any appropriate changes to the Policy.

Public notice is not necessary if the proposed changes are insubstantial, i.e. if there are only minor changes to the wording of the Policy, changes to monetary provisions or rates that are less than 5% or minor changes to the standard of equipment and facilities to be provided. Public notice, however, is required prior to each annual adoption process even if there is no proposed change to the Policy.

Reporting Requirements

- 1.5** Section 428 of the Act and clause 217 of the Local Government (General) Regulation ("the Regulation") require Council to include in each Annual Report a copy of this Policy and details of the cost of implementing the Policy. Copies of this legislation are set out in clause 1.6.

Legislative Provisions

- 1.6** The relevant legislative provisions are set out below. In this legislation the expression "year" means the period from 1 July to the following 30 June.

Local Government Act

252 *Payment of expenses and provision of facilities*

- (1) Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) The policy shall provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) A council shall from time to time amend a policy under this section.*
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 *Requirements before policy concerning expenses and facilities can be adopted or amended*

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*

- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:
 - (a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and
 - (b) a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and
 - (c) a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) *Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) *A report must contain the following:*
 - (f) *the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,*

Local Government (General) Regulation

217(pt) Additional information for inclusion in annual reports

- (1) *For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:*
 - (a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Also, under Section 248A of the Act Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from civic office or the right to be paid any fee is suspended.

Under Section 254A of the Act Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government Policy Provisions

1.7 This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- Department of Local Government Circular No. 06-57, 5 September 2006, *Guidelines for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors*
- Department of Local Government Circular No. 05/08, 9 March 2005 *Legal Assistance for Councillors and Council Employees*
- ICAC Publication *No Excuse for Misuse*, November 2002
- Ku-ring-gai Council *Code of Conduct*.

Part 2 PAYMENT OF EXPENSES

GENERAL PROVISIONS

Payment of Allowances and Expenses Generally

- 2.1** An annual fee is paid to each Councillor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where a Councillor reasonably incurs expenses in discharging the functions of civic office. The annual fee paid to each Councillor is generally not intended to offset those costs.

The payment of allowances and reimbursement of expenses under this Policy shall only be in respect of costs directly associated with discharging the functions of civic office.

Reimbursement and reconciliation of expenses

Claims for reimbursement of expenses shall be submitted no later than 12 months after the expenses were incurred. Claims shall be submitted to the General Manager or delegate in a form and manner acceptable to the General Manager in the circumstances to enable full assessment of the claim. Tax invoices and receipts are to be supplied when available to support claims.

Claims for travelling expenses under this Policy shall include details of:

- Date and place of departure
- Date and place of arrival
- Distance travelled
- Fares and parking fees paid
- Amount claimed as travelling allowances
- Total amount of claim

The rate of calculation of the amount payable for travel in a Councillor's own car shall be the rate payable for claims by staff in the Local Government (State) Award.

Where travel out of the Sydney metropolitan area can be undertaken by air, the amount payable for travel in a Councillor's own car shall be no more than the corresponding air fare and taxi fares to and from the airport.

Council shall, where possible pay expenses directly by account or through the corporate credit card. However it shall be necessary for Councillors to pay unexpected expenses and then seek reimbursement.

Once expenses of attending a conference, seminar or training course have been finalised, accounts shall be forwarded to Councillors for any expenses payable by them. Such accounts are to be repaid in full within Council's normal terms, i.e. 30 days. Any arrangements to finalise an account by periodic payment may only be approved by Council.

An employee delegated by the General Manager shall assess all claims made under this Policy. The employee shall review a claim against the provisions of this Policy and make a recommendation to the General Manager. The General Manager shall then determine the claim. Approved claims, in part or in whole, shall be paid within seven (7) days.

Should a determination be made that a claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still believe that the claim should be paid, in part or in full, it shall be considered that a dispute exists.

In the event of a dispute at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute. The General Manager shall submit such reports to the next meeting of Council to have the dispute determined by a resolution of Council having regard to this Policy, the Act and any other relevant law. The decision of Council shall be binding on all of the parties.

Payment in advance

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training courses. Councillors may also request an advance payment for the cost of any other service or facility covered by the policy, where the service or facility is not ordinarily acquired by Council. However, Councillors must fully reconcile all expenses against the cost of the advance. Within one (1) week of incurring the cost and/or returning home the Councillor shall submit the details to the General Manager for verification and pay back to Council any unspent money. The maximum value of a cash advance is \$500.

Establishment of Monetary Limits and Standards

- 2.2** Monetary limits prescribed in this Policy set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Where applicable the standard of any equipment, facility or service to be provided shall be to the maximum standard prescribed in this Policy.

Spouse and Partner Expenses

- 2.3** In this clause *accompanying person* means *a person who has a close personal relationship with a Councillor and/or provides carer support to the Councillor.*

In limited circumstances Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor, such as costs associated with attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within metropolitan Sydney.

Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person shall be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function. Each Councillor is entitled to a maximum of \$200 per year of term for these types of expenses.

In addition Council shall meet limited expenses of spouses, partners or accompanying persons associated with attendance at the Local Government and Shires Associations' annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Expenses such as travel expenses, any additional accommodation expenses and the cost of any accompanying persons program shall not be met by Council.

Costs associated with spouses, partners or accompanying persons attending other conferences, seminars and training courses shall not be met by Council.

Also, Council shall meet limited expenses of spouses, partners or accompanying persons of the Mayor, or a Councillor representing the Mayor, when attending an official function of Council or carrying out an official ceremonial duty while accompanying the Mayor outside Council's area, but within New South Wales. Such circumstances could include charitable functions or award ceremonies to which the Mayor has been invited to attend. These expenses are limited to the ticket, meal and/or direct cost of attending the function.

In all cases under this clause peripheral expenses of spouses, partners or accompanying persons such as grooming, special clothing and transport are not considered reimbursable expenses.

EXPENSES FOR COUNCILLORS

Attendance at Seminars, Conferences and other Training and Educational Expenses

2.4 Council shall meet expenses incurred by Councillors attending conferences, seminars and training courses in any of the following circumstances:

- Attendance authorised by resolution of Council
- Attendance at conferences which are included in Council's Annual Program of Conferences and funds are provided in the adopted Management Plan and where the prior authority of the Mayor and General Manager has been obtained
- Attendance on a study tour involving domestic travel where the study forms part of a Task Force project plan and funds are available in the Task Force budget to be established and where the prior authority of the Mayor and General Manager has been obtained
- Attendance at day long industry seminars or workshops as the need arises subject to the availability of funds and only where local or domestic travel is involved and where the prior authority of the Mayor and General Manager has been obtained.

Where the Mayor is seeking approval to attend a conference, seminar or training course the authority of the Deputy Mayor and the General Manager is required where applicable.

Requests from individual Councillors for attendance at conferences, seminars and training courses shall be in writing outlining the benefits for Council and the community.

After return from a conference, the Councillor/s or an accompanying staff member shall provide a written report to Council on the aspects of the conference relevant to Council business and/or the community. Such a report is not required for the Annual Conferences of the Local Government and Shires Associations.

If requested Council shall make all necessary arrangements for the attendance of Councillors at the conference, seminar or training course. Where the Councillor is being accompanied by another person, Council shall also make all of the necessary arrangements for that person. Council shall meet only those costs relating to the attendance of that person as set out in clause 2.3.

Council shall meet the following costs for attendance at approved conferences, seminars and training courses:

Registration fees

Council shall meet the cost of the registration fee set by the organiser, including costs of related official lunches and dinners, and associated tours where they are relevant to the business and interests of Council.

Accommodation

Councillors shall be accommodated in the hotel where the conference, seminar, or training course is being held or the nearest hotel to it that is of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area. Accommodation shall be provided at the rate of a double room.

Transportation

Councillors attending a conference, seminar or training course shall travel by the most direct route and the most practical and economical mode of transport, subject to any personal medical considerations. Any time and costs incurred in undertaking activities not related to attendance at the conference, seminar or training course shall not be included in any expenses paid by Council.

For conferences out of the Sydney metropolitan area Council shall meet the cost of an economy class air ticket or Council shall reimburse transportation expenses as detailed below whichever is the lesser amount.

Council shall reimburse transportation expenses by a Councillor with the Councillor's own vehicle. For travel within a Council-owned vehicle, actual costs incurred shall be reimbursed.

Council shall meet the cost of transferring Councillors from their place of residence to the airport and return or meet the cost of taxi fares, whichever is the lesser amount.

Council shall meet the cost of transferring Councillors from the airport to the hotel and return at the conclusion of the conference, seminar or training course, such costs not to exceed the cost of taxi fares.

Should a Councillor be accommodated in a hotel not being the site of the conference, seminar or training course, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of the Councillor travelling from the hotel to the site of the conference, seminar or training course and return each day, such costs not to exceed the cost of taxi fares.

Where as a result of attending a conference, seminar or training course a Councillor visits another Council in the course of discharging the functions

of civic office or to further knowledge of local government, and the Councillor is travelling in a non Council-owned vehicle, Council shall meet the cost of transfer of the Councillor from the hotel to the Council premises visited and return, such costs not to exceed the cost of taxi fares.

Meals

Council shall meet the cost of breakfast, lunch and dinner for Councillors where any of the meals are not provided as part of the conference, seminar or training course. Council shall also meet the reasonable cost of drinks accompanying the meals.

Bar Service

Council shall meet the cost of any expenses incurred at a bar located within the conference hotel or the accommodation hotel only when special guests have been invited for drinks at the request of the Mayor or the leader of Council's delegation.

Other costs

Council shall meet other reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, such as telephone or facsimile calls, refreshments, other meals, internet charges, laundry and dry cleaning, newspapers, taxi fares and parking fees up to a maximum amount of \$50 per day.

Local Travel Arrangements and Other Expenses

- 2.5** Travelling expenses shall be paid for travel on official business of Council in the Sydney metropolitan area. Councillors may, where necessary, be provided with a taxi voucher for transportation purposes on Council business.

Council shall meet the cost of parking fees and road tolls but not the cost of traffic or parking fines. Claims for reimbursement under this provision shall be supported with an explanation of the need for the travel in relation to official Council business.

Council shall meet the cost of Councillors' attendance at dinners and other non-council functions which provide briefings to Councillors from key members of the community, politicians and business where the function is relevant to Council's interest. Council shall meet the cost of any component of the ticket to the function that is a donation to a registered charity but shall not meet the cost of any component of the ticket that is a donation to a political party, candidate's electoral fund or other private benefit. Each Councillor is entitled to a maximum of \$200 per year of term for these types of expenses.

Travel Outside the Local Government Area including Interstate and Overseas Travel

- 2.6** For any proposed travel by a Councillor on Council related business not otherwise addressed in clauses 2.4 and 2.5 the approval of Council in non-confidential session of a Council meeting is required. Approval shall be granted subject to any conditions Council so determines. Council shall meet only those expenses that Council so determines.

Telephone Costs and Expenses

2.7 Facsimile

Council shall meet the cost of providing a telephone landline for any facsimile machine provided under this Policy. Council shall meet the cost of landline rental and all calls incurred in transmitting facsimiles, to a maximum cost of \$100 per month.

Mobile telephone

Council shall meet the cost of a mobile telephone either:

- A Council provided mobile telephone including vehicle kit to the value of \$1000, for which Council shall pay rental and 100% of metered calls charged against that service, to a limit of \$200 per month for calls, provided that the mobile telephone is used for Council business only, and the number is available to be given out for general public information; or
- If the Councillor provides their own mobile telephone and mobile telephone service, Council shall reimburse the cost of rental plus the cost of those calls certified by the Councillor as being Council business calls charged against that service, to a limit of \$200 per month for calls.

In addition Council shall meet data costs in respect of mobile telephones up to a limit of 100 megabytes per month. For Councillor-owned mobile telephones the amount payable by Council under this provision shall not exceed the amount paid under contracts entered into by Council for Council-owned mobile telephones.

Internet

- 2.8** Council shall meet the cost of providing and maintaining an internet connection at the residence of the Councillor.

Care and Other Related Expenses

2.9 Care of relatives

In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Act;

Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
- (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a).*

Where a Councillor has responsibilities for the care and support of any relative, Council shall reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,000 per year of term.

Special requirements of Councillors

Council shall meet reasonable expenses associated with any special requirements of a Councillor, such as disability and access needs, in order to discharge the functions of civic office.

The total amount paid to a Councillor under this provision shall not exceed \$2,000 per year of term.

Insurance Expenses and Obligations

2.10 Council shall meet the cost of providing the following insurance cover for Councillors on a 24 hour basis while discharging the functions of civic office including attendance at meetings of external bodies as Council's representative:

- Public Liability insurance
- Professional Indemnity insurance
- Personal Accident insurance

Council shall pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

Legal Expenses and Obligations

2.11 Council shall, if requested, indemnify or reimburse the reasonable legal expenses to a maximum of \$200,000 of:

- a Councillor defending an action arising from the performance in good faith of a function under the Act; or
- a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
- a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.

Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act shall be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain is not covered by this provision.

Council shall not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and shall not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Council shall not meet the costs of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, Council itself.

ADDITIONAL EXPENSES FOR THE MAYOR

Allowances and expenses

- 2.12** An additional annual fee is paid to the Mayor by Council. The fee is the amount fixed by Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.

This Policy is intended to cover most situations where the Mayor reasonably incurs additional expenses in discharging the functions of Mayoral office. The annual fee paid to the Mayor is generally not intended to offset those costs.

There are no other Mayoral allowances and expenses in this Part.

Part 3 PROVISION OF FACILITIES

GENERAL PROVISIONS

Provision of Facilities Generally

- 3.1** Unless otherwise stated, where a facility may be provided by Council in accordance with this Policy and a Councillor chooses to accept the facility, it shall be provided by Council with all establishment, routine maintenance, operating, training, replacement and insurance costs being met by Council, subject to any limits specified and adequate funds being allocated and available in Council's adopted Management Plan.

All facilities provided shall be of adequate capacity and functionality to allow the role of Councillor to be fully undertaken.

Private Use of Equipment and Facilities

- 3.2** Councillors shall not generally obtain private benefit from the provision of equipment and facilities. This includes receipt of a travel bonus or other benefit arising from a loyalty scheme. However, incidental personal use of Council equipment and facilities may occur from time to time. No entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

If a Councillor does obtain a private benefit for the use of a facility provided by Council the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the private benefit shall be determined by Council in non-confidential session of a Council meeting.

Equipment, facilities and services provided under this Policy shall not be used to produce election material or for any other political purposes.

EQUIPMENT AND FACILITIES FOR COUNCILLORS

Equipment and Facilities at the Council Administration Building

- 3.3** Councillors shall be provided with equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Councillors' Room and resources

A room furnished for use by all Councillors shall be provided by Council. Included in the Councillors' Room shall be:

- A computer, printer and peripherals for use by all Councillors
- A website directory of relevant local government internet sites
- A technical library
- Councillors' robes for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided to support all Councillors. The Executive Assistant shall be responsible to the General Manager.

Correspondence Processing

Council shall post all correspondence for Councillors relative to the discharge of the functions of civic office. Council shall provide letterhead for use by Councillors in replying to correspondence.

Council shall provide follow up procedures for correspondence by Councillors. Such follow-up for correspondence is to be carried out by the General Manager or delegate.

Copies of all correspondence by Councillors including facsimile transmission sheets shall be placed in folders in the Councillors' Room for reference by all Councillors.

Correspondence by Councillors relative to the discharge of the functions of civic office is considered official correspondence of Council where the matter is referred to the General Manager for attention. The correspondence shall be attached to the appropriate Council file for registration, attention and reply.

Meals and Refreshments

Prior to or after Council and Committee meetings the Councillors shall be provided with a suitable meal including refreshments. The standard of the meal provided shall be determined by the Mayor in consultation with the General Manager.

Car Parking

Three (3) car parking spaces shall be provided for Councillors in the Council car park at the Council administration building except on Committee meeting nights, public meetings and Council meeting nights when a further six (6) car parking spaces shall be allotted in the same car park.

Equipment and Other Items Required to be Returned

3.4 Upon election to office Councillors shall be provided with certain equipment and other items that shall be returned when the Councillor ceases to hold office. The following equipment and other items shall be provided under this clause:

- Printed copy of the current relevant Local Government and Planning Legislation
- Briefcase to the maximum cost of \$200
- Dictaphone (either hand held or desk variety) and cassettes to the maximum cost of \$200
- Facsimile/telephone machine to the maximum cost of \$500
- Filing cabinet for Council Business Papers and other Council correspondence to the maximum cost of \$300
- Bookcase to the maximum cost of \$200
- Personal computer, peripherals and software to the maximum cost of \$4000
- Security card to enable entry to Council's administration building
- Car parking stickers to enable the Councillor to park in any Council car park at any time for an unlimited period when discharging the functions of civic office. A list of Council's car parks shall be supplied also. No time restriction shall be imposed on an identified Councillor's private vehicle whilst parked in a parking space located at the Council administration building and the adjacent car parking area.

Other Items Not Required to be Returned

3.5 Upon election to office and where applicable throughout the term of office Councillors shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Councillor ceases to hold office. The following items shall be provided under this clause:

- Name badge
- Minor items of stationery to the maximum cost of \$100 each year of term.
- Transport to and from the Council administration building or other sites for meetings when the Councillor's own mode of transport is not available
- 100 Christmas cards each year of term
- A copy of clippings (weekly) from the newspapers relating to matters affecting local government in general and Ku-ring-gai in particular
- 500 business cards each year of term
- Corporate attire and presentation gifts for use in connection with civic functions, eg tie, scarf, spoon etc.
- Street Directory
- Refreshments/meals when undertaking official Council business (satisfactory explanation of official Council business required to support claims)
- Copies of the most recent Electoral Roll for all Wards
- Facsimile transmission sheets
- A raincoat and one pair of protective footwear for site inspections during inclement weather
- Replacement consumables, such as tapes, inks, and toner (not including paper) for the continued operation of the equipment provided in clause 3.4.
- 5,000 sheets of plain white paper per year of term

ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR

Equipment and Facilities at the Council Administration Building

- 3.6** The Mayor shall be provided with additional equipment and facilities at the Council administration building. Equipment provided under this clause remains the property of Council. The following equipment and facilities shall be provided at the Council administration building:

Mayoral Office and resources

Council shall provide:

- A furnished office
- A computer, printer and peripherals
- Mayoral letterhead
- Mayoral robes for official, civic and ceremonial use
- Mayoral Chain of Office for official, civic and ceremonial use.

Executive Assistant

A qualified and experienced Executive Assistant shall be provided with equivalent experience, responsibilities and skills to that of the General Manager's Executive Assistant. The Executive Assistant shall provide support to the Deputy Mayor in the absence of the Mayor.

Car parking

An allocated parking space shall be provided at the Council administration building.

Equipment and Other Items Required to be Returned

- 3.7** Upon election to office the Mayor may be provided with certain equipment and other items that shall be returned when the Mayor ceases to hold office. The following equipment and facilities shall be provided under this clause:
- Mayoral vehicle up to the standard of a Holden Statesman Caprice. The Mayoral vehicle shall be fully maintained by Council for the use by the Mayor for official, civic and ceremonial functions and appropriate use arising out of or in the course of the Mayor's official, civic and ceremonial functions. A petrol card shall be supplied to fuel the Mayoral vehicle at Council's cost for official use only.

- Mobile telephone costs additional to that provided under clause 2.7. The call limits referred to in clause 2.7 shall be increased by \$100 per month, making a total of \$300 per month and the data allowance shall be increased by 100 megabytes per month, making a total of 200 megabytes per month.

Other Items Not Required to be Returned

3.8 Upon election to the office and where applicable throughout the term of office the Mayor shall be provided with items of a consumable nature or which otherwise are not required to be returned when the Mayor ceases to hold office. The Mayor shall receive all of the items listed for Councillors under clause 3.5 and the following:

- Name badge
- Refreshments when fulfilling the role of Mayor
- An additional 100 Christmas cards each year of mayoralty, making a total of 200 cards during each year of mayoralty.
- An additional 250 Business cards each year of mayoralty, making a total of 750 cards during each year of mayoralty.
- Additional corporate attire and presentation gifts e.g. Council ties, scarves, spoons, cuff links, etc for own use and presentations as appropriate and gifts suitable for younger persons.

Part 4 OTHER MATTERS

Acquisition and Returning of Facilities and Equipment by Councillors

- 4.1** Upon ceasing to hold office a Councillor may purchase any Council equipment held by the Councillor at the depreciated value of the equipment as recorded in the Council's books of accounts at the time of ceasing to hold office. This clause does not include a vehicle.

Status of the Policy

- 4.2** This Policy was prepared having regard to Department of Local Government Circular No. 06-57 dated 5 September 2006 "Guidelines for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors. This is the first version of the Policy to be based on Circular No. 06-57. This Policy replaces the previous version of the Policy adopted by Council on 8 March 2005, Minute no. 68.

This Policy was adopted by Ku-ring-gai Council at its meeting held on 27 February 2007, Minute No. 40. The Policy shall only be amended at a subsequent meeting of Council, subject to compliance with the Act.