

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 28 AUGUST 2007

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)
Councillor A Andrew (Comenarra Ward)
Councillor I Cross (Wahroonga Ward)
Councillor T Hall (St Ives 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)
Manager Development Assessment Services (Matthew Prendergast)
Director Operations (Greg Piconi)
Director Strategy (Steven Head)
Manager Urban Planning (Antony Fabbro)
Senior Urban Planner (Bill Royal)
Strategic Planner (Craig Wyse)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

302 APOLOGIES

File: S02194

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

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

Resolved:

(Moved: Mayor Ebbeck/Councillor Ryan)

That the apologies by Councillors Bennett & Malicki for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

Councillor Shelley arrived

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.

The Manager Urban Planning, Antony Fabbro, declared a possible Conflict of Interest to Item GB.2 - Turramurra Precinct C - Town Centre Local Environmental Plan (LEP) & Development Control Plan (DCP) Final Report (a relative has an interest in the properties at 1392 to 1396 Pacific Highway, Turramurra).

303 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Lane/Ryan)

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 **2 to 6 Clydesdale Place, Pymble - Council ats Clydesdale Place Pty Ltd – Land & Environment Court Action 10677 of 2007**
(Section 10A(2)(g) - Advice concerning litigation)

Report & attachment by Corporate Lawyer & Director Strategy dated 27 August 2007.

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

**Councillor Shelley withdrew &
returned during address**

R Marsden
C Bollen
S Cochran
M Zannetides
L. Anderson-Gingold
C Smith
S Pengly
G Willis

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: **Refer MM.1 - VALE Alan Faulkner**

Refer GB.25 - 2007/2008 Capital Works Program - Report by Director Operations, Director Corporate & Director Strategy dated 20 August 2007

Memorandums: **Refer GB.1 - Proposed Amendments to Ku-ring-gai Town Centre Development Control Plan (DCP)** - Memorandum by Manager Urban Planning dated 28 August 2007 with attachment relating to the exhibited Draft Ku-ring-gai Town Centres DCP Amendments.

Refer GB.2 - Turramurra Precinct C - Town Centre Local Environmental Plan (LEP) & Development Control Plan (DCP) Final Report - Memorandum by Director Strategy dated 23 August 2007 with an attached Confidential Attachment No 3 - sphere Property Corporation Economic Feasibility Report - Precinct C Turramurra.

Refer GB.4 - 7A to 11 Powell Street & 5 Wallaroo Close, Killara - Memorandum by Manager Development Assessment Services dated 28 August 2007 regarding a Compliance Table against DCP38 not included in original report plus corrections to wording within the original report.

Refer GB.22 - 10 to 16 Marian Street, Killara - To Extinguish Existing Drainage Easement & Create a New Easement over Newly Constructed Stormwater Pipeline - Memorandum by Director Operations dated 28 August 2007 with correspondence from Mr Michael Inglis.

Refer GB.25 - 2007/08 Capital Works Program - Memorandum by Director Strategy dated 23 August 2007 - covering memorandum for late item to Councillors.

CONFIRMATION OF MINUTES

304 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 14 August 2007
Minutes numbered 277 to 301

Resolved:

(Moved: Councillors Lane/Andrew)

That Minutes numbered 277 to 301 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

305 **VALE Alan Faulkner**

File: S04813

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of Alan Faulkner, who passed away on 17 August aged 84.

The long-time Ku-ring-gai resident is well known to many in our community – and in 2004 Council had great pleasure in naming Alan as our Citizen of the Year.

He epitomised the great volunteer spirit in our community through his tireless work over many years in a wide range of fields including community transport, nursing homes and the State Emergency Service.

Alan was also a decorated soldier, serving for the British Army in World War II and the Korean War. He later served for the Australian Army as a photography intelligence officer.

In 1992 Alan was awarded a medal by the Korean Government in recognition of his service in the Korean War, and in 2001 he was decorated by the French Government for his World War II service in Normandy.

On behalf of Council, I also offer our sincere condolences to Alan's wife Flo and his extended family.

Resolved:

- A. That this Mayoral Minute be received and noted.
- B. That we stand for a minute's silence to pay respects to the life of Alan Faulkner.
- C. That a copy of this Mayoral Minute be sent to Alan's wife.

CARRIED UNANIMOUSLY

306

Roseville Chase Firearms Shop

File: DA0621/07

There has been significant community concern and media coverage in the past week relating to Council's approval of a sporting goods and firearms retail outlet in Babbage Rd, Roseville Chase.

While I strongly share the concerns of residents and particularly parents of children at an adjacent pre-school, the reality is that Council was left with little choice but to approve the DA.

The DA sought a simple change of use from one shop to another shop and it was assessed under current NSW planning laws.

The premises are located within a business zone that permits shops – and the State laws do not discriminate between different types of retail shops.

This means we needed to assess the DA in the same way we assess those for any other type of retail shop, taking into account planning considerations such as traffic, parking and noise.

If Council had rejected the DA, the applicant could have appealed to the Land and Environment Court which would have had no grounds to refuse it. This is because the Court would be required to assess the DA under the same State Legislation as Council used.

Planning Minister Frank Sartor has publicly indicated he will support a move by Council to amend our planning rules so factors such as proximity to schools can be considered in any future DAs for firearms outlets.

While Minister Sartor has previously said he does not support Councils making minor amendments to local environment plans, it seems on this occasion he is prepared to accept such a change.

In my view, the best solution would be a change to State planning laws, but the Minister has indicated he is not prepared to do this. So, Council's only viable option is to seek an amendment to our own planning rules.

I also propose amending our Notifications Policy to ensure such DAs are publicly exhibited in the future.

Resolved:

- A. i. That Council urgently contact Minister Sartor and his department to request an immediate change to Council's planning rules to stop firearms outlets being approved within 500 metres of a school, pre-school or childcare centre.

- ii. That Council prepare a Draft LEP to embrace the zoning changes proposed in A(i) above for exhibition subject to the Minister's concurrence.
- B. That Council request our local State MPs Barry O'Farrell and Jonathan O'Dea to support necessary amendments to stop firearms outlets being approved within 500 metres of a school, pre-school or childcare centre.
- C. That Council propose to amend Council's Notification Policy in relation to firearms outlets so any future DAs are publicly exhibited and that this policy be brought forward urgently to the Planning Committee for review.
- D. That Council require that any DA for a business that requires licensing under the NSW Firearms Act (1996) be brought to Council for full consideration by Councillors.
- E. That Council contact all residents affected by the Roseville Chase firearms outlet approval and inform them of this resolution.
- F. That a full written report on the matter be submitted to Councillors from the Director Development & Regulation.
- G. That Council continue to support Mr J O'Dea regarding the increased safety measures he is negotiating with the applicant.

CARRIED UNANIMOUSLY

PETITIONS

307

Petition against the Sale of Firearms in Roseville Shops - (One Hundred & Sixty-one [161] Signatures)

File: DA0621/07

Petition presented by Councillor Jennifer Anderson:

"Petition to the Hon Frank Sartor, MP, Minister for Planning

We, the undersigned, object to the Ku-ring-gai Council issuing a development approval for the storage and sale of Firearms from shop, 19 Babbage Road, Roseville Chase. We, the undersigned, also object to the approval being granted by Council on the basis that no local community or business consultation whatsoever was required or undertaken on the basis that it is not an issue for public consultation. This, we believe, irrespective of what Council rules and by-laws may say, is an infringement of our rights as local and concerned citizens of this community."

Resolved:

(Moved: Councillors Anderson/Shelley)

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

CARRIED UNANIMOUSLY

308

Petition to Oppose Demolition & Support the Heritage Listing of "St Helens" - (One Hundred & Ten [110] Signatures)

File: DA1423/06

Petition presented by Councillor Adrienne Ryan:

"We, the undersigned, strongly oppose the demolition and support the heritage listing of "St Helens", 16 Stanhope Road Killara for the following reasons:

- "St Helens" has been recommended by two Council heritage experts for heritage listing.
- "St Helens" is significant as a largely externally intact example of the Inter-War Georgian Revival Styles, within the important streetscape of Stanhope Road.
- "St Helens" has social significance for its part in the development of the suburb of Killara and essential to the streetscape of Stanhope Road as the southern entrance to the suburb of Killara. Stanhope Road is considered to be one of Ku-ring-gai's important streetscapes (1987 Heritage Study).
- "St Helens" set backs, building form and architectural detail reflect the planning instruments and condition of early 20th Century development and the high social standing of the occupants of the houses within this Killara street e.g. Doctors and JP's.
- "St Helens" contributes significantly to the established character and feel of the street, as being a street which features substantial intact mansions of quality. "St Helens" is representative of the upper middle class development of Killara during 1890-1930.
- "St Helens" lies in the Killara UCA 10 first identified by the National Trust in 1996 and subsequently studied by Godden MacKay Logan and Perumal Murphy Alessi Pty Ltd. Both reports supported heritage listing "St Helens" and recommended UCA status for Culworth precinct No.10 in which "St Helens" is situated."

Resolved:

(Moved: Councillors Ryan/Anderson)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS**309 Proposed Amendments to Ku-ring-gai Town Centre Development Control Plan (DCP)**

File: S06064

To report to Council on the exhibition of proposed draft amendments to the Ku-ring-gai Town Centres Development Control Plan (DCP).

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That the proposed amendments to the Ku-ring-gai Town Centres Development Control Plan be adopted by Council subject to the amendments outlined in this report.
- B. That a public notice of Council's decision to adopt the amendments to the Town Centres Development Control Plan be issued in accordance with the Environmental Planning and Assessment Regulation.
- C. That Council submit a copy of the amended Development Control Plan to the Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation.
- D. That all persons who made a submission be notified of Council's decision.

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

Against the Resolution: Councillor Hall

Manager Urban Planning declared a possible Conflict of Interest in respect of the following item - GB.2 - Turramurra Precinct C - Town Centre Local Environmental Plan (LEP) & Development Control Plan (DCP) Final Report (a relative has an interest in the properties at 1392 to 1396 Pacific Highway, Turramurra). and withdrew from the Chamber

310 Turramurra Precinct C - Town Centre Local Environmental Plan (LEP) & Development Control Plan (DCP) Final Report

File: S06064

To enable Council to consider the deferred matter in Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No. 1 and the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) 2006.

Resolved:

(Moved: Councillors Ryan/Andrew)

- A. That Council adopt the deferred matter in Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 1 applying to Precinct C in Turramurra.
- B. That the proposed amendment to the Draft Ku-ring-gai Development Control Plan Town Centres (Turramurra) be adopted by Council.
- C. That Council submit a copy of the draft amended Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.
- D. That amended Development Control Plan be forwarded to the Department of Planning in accordance with Clause 25 of the Environmental Planning and Assessment Act and Regulations.
- E. That all persons who made a submission be notified of Council's decision.

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

Against the Resolution: Councillor Shelley

**Manager Urban Planning returned
during discussion of the above Item**

311 **Ku-ring-gai Town Centres Development Contributions Strategy**

File: S04495

To report to Council a development contributions strategy for the future provision of facilities identified within Council's adopted Town Centres Facilities Plan.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council adopt the Ku-ring-gai Town Centres Development Contributions Strategy as included in Attachment 1 of this report.
- B. That a draft Town Centres Development Contributions Plan be prepared based on the recommendations of the contributions strategy and refined Town Centres Facilities Plan. The draft contributions plan is to be reported back to Council for endorsement prior to formal exhibition.

CARRIED UNANIMOUSLY

312 **7A, 11 Powell Street & 5 Wallaroo Close, Killara - Torrens Title Subdivision, Demolition & Construction of a Residential Flat Building**

File: DA1336/06

Ward: Roseville

Applicant: Sam Reza Pty Ltd

Owner: Sam Reza Pty Ltd

To determine Development Application No 1336/06, which seeks consent for Torrens title subdivision, demolition of existing structures and construction of a residential flat building containing 36 dwellings and basement parking.

Resolved:

(Moved: Councillors Ryan/Lane)

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 1336/06 for Torrens Title Subdivision, demolition of existing dwellings and construction of a residential flat building on land at 7A-11 Powell Street, Killara for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

GENERAL CONDITIONS

Development in Accordance with Plans (New Development)

1. The development must be carried out in accordance with plans numbered DA02-DA09 H dated 16 July 2007, DA10 J dated 16 July 2007, DA11-13 H dated 16 July, DA13A H dated 31 July 2007, DA16 J dated 22 May 2007 and Landscape plan 77.07(06)/173 "E" Revision F dated 16 July 2007 and endorsed with Council's approval stamp, except where amended by the following conditions:

Inconsistency between documents

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

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

Notice to be given prior to demolition or excavation

3. Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

Notice of commencement

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

Reason: Statutory requirement.

Notification of builder's details

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

Reason: Statutory requirement.

Sediment controls

6. Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

Noise and vibration management plan

8. Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise

and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

- The management plan shall address, but not be limited to, the following matters
- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the construction process.

Support for Council roads, footpaths, drainage reserves

9. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

Approved tree works

10. Approval is given for the following works to be undertaken to trees on the site. A tree report prepared by Stuart Pittendrigh, dated October 2006, has been submitted. Tree numbers refer to this report.

Schedule

Tree location

Quercus robur (English Oak) Tree 2

Araucaria heterophylla (Norfolk Island Pine) Tree 11

Cedrus deodara (Himalayan Cedar) Tree 3

Magnolia x soulangiana (Magnolia) Tree 4

Celtis occidentalis (Hackberry) Tree 5

Jacaranda mimosifolia (Jacaranda) Tree 6

Castanospermum australe (Moreton Bay Chestnut) Tree 7

Ulmus 'Louis van Houtte' (Golden Elm) Tree 21

Ulmus 'Louis van Houtte' (Golden Elm) Tree 23

Chamaecyparis obtusa (Hinoki False Cypress) Tree 26

Fraxinus 'Raywood' (Claret Ash) Tree 28

Approved tree works

Minor crown lifting

Minor crown lifting

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

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

Arborist's report

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

Schedule

Tree/location

Jacaranda mimosifolia (Jacaranda) Tree 1

Time of inspection

Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls

Quercus robur (English Oak) Tree 2	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Araucaria heterophylla (Norfolk Island Pine) Tree 11	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls and boardwalks
Stenocarpus sinuatus (Firewheel Tree) Tree 8	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Cryptomeria japonica (Japanese Cedar) Tree 9	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Brachychiton acerifolius (Flame Tree) Tree 13	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Brachychiton acerifolius (Flame Tree) Tree 14	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Calodendron capense (Cape Chestnut) Tree 15	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Magnolia grandiflora (Bull-bay Magnolia) Tree 16	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Liquidambar styraciflua (Liquidambar) Tree 18	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Liquidambar styraciflua (Liquidambar) Tree 19	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Ulmus procera 'Argenteo-variegata' (Elm) Tree 22	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls
Eucalyptus haemastoma (Scribbly Gum) Tree 25	Commencement of excavation, stormwater lines within 6m of tree, during construction of retaining walls and driveway

Reason: To ensure protection of existing trees

Canopy/root pruning

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

Schedule**Tree/location**

Quercus robur (English Oak) Tree 2
 Araucaria heterophylla (Norfolk Island Pine) Tree 11

Tree works

Minor crown lifting
 Minor crown lifting

Reason: To protect the environment.

Tree removal on nature strip

13. Following removal of the Betula pendula (Silver Birch) Tree 25a from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

Treatment of tree roots

14. 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 horticulture certificate or tree surgery certificate

Reason: To protect existing trees.

Excavation near trees

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

Schedule**Tree/location**

Jacaranda mimosifolia (Jacaranda) Tree 1
 Quercus robur (English Oak) Tree 2
 Araucaria heterophylla (Norfolk Island Pine) Tree 11
 Stenocarpus sinuatus (Firewheel Tree) Tree 8
 Cryptomeria japonica (Japanese Cedar) Tree 9
 Magnolia grandiflora (Bull-bay Magnolia) Tree 16
 Liquidambar styraciflua (Liquidambar) Tree 18
 Liquidambar styraciflua (Liquidambar) Tree 19
 Ulmus procera 'Argenteo-variegata' (Elm) Tree 22
 Eucalyptus haemastoma (Scribbly Gum) Tree 25

Radius from Trunk

5m
 8m
 2m
 3m
 4m
 4m
 4m
 4m
 7m
 4m

Reason: To protect existing trees.

Hand excavation

16. All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule**Tree/location**

Jacaranda mimosifolia (Jacaranda) Tree 1
 Quercus robur (English Oak) Tree 2

Radius from Trunk

5m
 8m

Araucaria heterophylla (Norfolk Island Pine) Tree 11	2m
Stenocarpus sinuatus (Firewheel Tree) Tree 8	3m
Cryptomeria japonica (Japanese Cedar) Tree 9	4m
Magnolia grandiflora (Bull-bay Magnolia) Tree 16	4m
Liquidambar styraciflua (Liquidambar) Tree 18	4m
Liquidambar styraciflua (Liquidambar) Tree 19	4m
Ulmus procera 'Argenteo-variegata' (Elm) Tree 22	7m
Eucalyptus haemastoma (Scribbly Gum) Tree 25	4m

Reason: To protect existing trees.

Thrust boring

17. Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise 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

Schedule

Tree/location	Radius from Trunk
Jacaranda mimosifolia (Jacaranda) Tree 1	5m
Quercus robur (English Oak) Tree 2	8m
Araucaria heterophylla (Norfolk Island Pine) Tree 11	2m
Stenocarpus sinuatus (Firewheel Tree) Tree 8	3m
Cryptomeria japonica (Japanese Cedar) Tree 9	4m
Magnolia grandiflora (Bull-bay Magnolia) Tree 16	4m
Liquidambar styraciflua (Liquidambar) Tree 18	4m
Liquidambar styraciflua (Liquidambar) Tree 19	4m
Ulmus procera 'Argenteo-variegata' (Elm) Tree 22	7m
Eucalyptus haemastoma (Scribbly Gum) Tree 25	4m

Reason: To protect existing trees.

No storage of materials beneath trees

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

Reason: To protect existing trees.

Tree planting on nature strip

19. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along (enter street). The tree(s) used shall be a minimum 25 litres container size specimen(s):

Schedule

Tree/ species	Quantity	Location
Jacaranda mimosifolia (Jacaranda)	2	Wallaroo Close

Reason: To provide appropriate landscaping within the streetscape.

Removal of refuse

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

Reason: To protect the environment.

Canopy replenishment trees to be planted

21. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

Reason: To maintain the treed character of the area.

Stockpiling of top soil

22. Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

Temporary groundcover

23. On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species.

Reason: To protect the environment.

Vegetating steep slopes

24. Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.

Reason: To protect the environment.

Drainage to street

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

Reason: To protect the environment.

Grated drain at garage

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

Reason: Stormwater control.

Temporary disposal of stormwater runoff

27. During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

Maintenance period for works in public road

28. 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 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 formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

Road reserve safety

29. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction

Road repairs necessitated by excavation and construction works

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

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

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

Reason: To protect public infrastructure.

Services

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

Reason: Provision of utility services.

Erosion control

32. Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

Vehicular access and garaging

33. Driveways and vehicular 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". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

No door restricting internal waste collection in basement

34. At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

Compliance with submitted geotechnical report

35. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- * appropriate excavation method and vibration control
- * support and retention of excavated faces
- * hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Geotechnique. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

Provision of services underground

36. All electrical services to the site side 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.

Reason: To maintain visual amenity.

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

Long service levy

37. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long

service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

Builder's indemnity insurance

38. The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

External finishes and materials (new building)

39. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect the streetscape and the integrity of the approved development

Outdoor lighting

40. Dim outdoor lighting shall be provided along the pathway of the proposed pedestrian route/access handle adjacent 5 and 7 Powell Street.

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

Access for people with disabilities (residential)

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

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

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

Adaptable units

42. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, 9, 7, 26 and 36 are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
77.07(06)173/ E	Iscape Landscape Architecture	16/07/07

The above landscape plan(s) shall be amended as follows:

Landscape Plans to be amended in accordance with approved architectural plans.

Proposed drainage pit shall be relocated outside of pedestrian access path to front setback.

Steps from private open space of Unit 3 to communal open space to north shall be located within the area excluded from Deep Soil area identified on Deep Soil Plan prepared by Futurespace, DA16/J, 27/07/07.

Proposed level to north of Unit 6 and directly west of Tree 1, to be RL120.60 shall be consistent with existing levels.

Trees 23 and 24 shall be replaced with two deciduous canopy trees such as *Ulmus procera* 'Louis van Houtte' or similar.

To preserve the following existing tree, the private courtyards for Units 3, 4 and 5, including retaining wall and steps, shall not to be located within specified radius

Tree/location

Radius from Trunk

Quercus robur (English Oak) Tree 2

7m

Proposed planting of *Toona ciliata* (Red Cedar) within area of soft leaf buffalo lawn to east of Tree 1 shall be substituted with *Angophora floribunda* (Rough Barked Apple) or similar.

Proposed planting of eastern most *Toona ciliata* (Red Cedar) within area of Buffalo lawn to be substituted with *Nyssa sylvatica* (Tupelo) or similar.
Proposed planting of western most *Toona ciliata* (Red Cedar) within area of Basket Grass lawn to front setback shall be substituted with tall endemic canopy trees such as *Angophora costata* (Sydney Red Gum) or similar.

Proposed planting of eastern most *Toona ciliata* (Red Cedar) within area of Basket Grass lawn to front setback shall be substituted with tall endemic evergreen canopy trees such as *Angophora costata* (Sydney Red Gum) or *Eucalyptus saligna* (Sydney Blue Gum).

Existing *Magnolia x soulangiana* (Magnolia) Tree 29 shall be removed and replaced with *Eucalyptus saligna* (Sydney Blue Gum).

Proposed planting of *Toona ciliata* (Red Cedar) within front setback between driveway and pedestrian entry path shall be substituted with an tall endemic evergreen canopy trees such as *Angophora floribunda* (Rough Barked Apple) or *Eucalyptus paniculata* (Grey Ironbark) or similar.

To preserve existing tree/s, proposed planting of 3 *Eucalyptus saligna* (Sydney Blue Gum) along northern boundary adjoining heritage property at no. 7 Powell Street, shall be substituted with evergreen medium canopy trees such as 3 *Elaeocarpus reticulatus* (Blueberry Ash) or similar.

To preserve existing tree/s, proposed planting of 1 Eucalyptus saligna (Sydney Blue Gum) along northern boundary east of Tree 2, shall be substituted with 2no evergreen medium canopy trees such as Elaeocarpus reticulatus (Blueberry Ash) or similar.

Note regarding on slab planting to southern side of building shall show minimum 1300mm soil depth in accordance with typical detail 1.

Notes on plan regarding low water use species to areas of proposed soft buffalo lawns along northern boundary, shall be deleted.

To provide sufficient area for screen planting, the proposed garden bed along the northern boundary of the communal open space shall be minimum 3m width.

Reason: To ensure adequate landscaping of the site

Landscape plan

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

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

Reason: To ensure adequate landscaping of the site.

Excavation for services

45. Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

Reason: To ensure the protection of trees.

Garbage storage

46. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be

accessible by Council's Waste Collection Services.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

Noise from plant in residential zone

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

C1. **Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

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

Location of plant (residential flat buildings)

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

C1. **Note:** Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

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

Number of bicycle spaces

49. The basement car park shall be adapted to provide 8 resident bicycle spaces and 4 visitor bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first):

Public liability insurance – works on public land

50. Any person or contractor undertaking works on public land must take out public risk works within Council's road reserve or public land, as approved in this consent.

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

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

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

Section 94 contribution – residential development

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

Column A	Column B
community facilities	\$1117.76
park acquisition and embellishment works	\$6384.75
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	\$100.04
Total contribution is:	\$668,774.48

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

Consolidation of lots

52. Prior to issue of the Construction Certificate the Applicant must subdivide 11 Powell Street, Lot 11 DP332479, and 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.

Reason: To ensure continuous structures will not be placed across separate titles.

Driveway crossing levels

53. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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

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

Infrastructure restoration fee

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

All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property

and must not jeopardise the safety of any person using or occupying the adjacent public areas.

The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.

The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.

In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

In this condition:

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

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

Reason: To maintain public infrastructure

Driveway grades – basement car parks

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

- vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site) and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

Basement car parking details

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

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

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

Erosion and drainage management

57. Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the Landcom manual “Managing Urban Stormwater: Soils and Construction” certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

Stormwater retention

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

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

Reason: To protect the environment.

Stormwater management plan

59. Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - exact location and reduced level of discharge point to the public drainage system
 - Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
 - location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
 - specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
 - details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)

- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater Management Concept Plan 372468 by AFCE Environment + Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

Amendments to approved engineering plans

60. Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the proposed water management measures for the site have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

The stormwater management plan or BASIX Certificate shall be amended as follows:

- Untreated stormwater is not to be proposed for use inside the building.

The above amendments are required to ensure compliance with the following:

- NSW Health Guidelines
- Ku-ring-gai Council Water Management Development Control Plan 47.

Note: An amended stormwater management plan or BASIX Certificate shall be submitted to the Certifying Authority.

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

Energy Australia requirements

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

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

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

Utility provider requirements

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

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

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES AND PRIOR TO WORKS COMMENCING

Approved plans to be on site

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

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

Prescribed conditions

64. The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- The work must be carried out in accordance with the requirements of the Building Code of Australia,
 - In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

Statement of compliance with Australian Standards

65. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the

safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

Demolition, excavation and construction work hours

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

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

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

Construction noise

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

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

Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

Dust control

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

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

Use of road or footpath

70. During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

Guarding excavations

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

Reason: To ensure public safety.

Toilet facilities

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

Reason: Statutory requirement.

Tree protection fencing

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

Schedule

Tree/location	Radius from trunk
Stenocarpus sinuatus (Firewheel Tree) Tree 8	3m
Cryptomeria japonica (Japanese Cedar) Tree 9	4m
Magnolia grandiflora (Bull-bay Magnolia) Tree 16	2m
Liquidambar styraciflua (Liquidambar) Tree 18	4m
Liquidambar styraciflua (Liquidambar) Tree 19	4m
Brachychiton acerifolius (Flame Tree) Tree 13	2m
Brachychiton acerifolius (Flame Tree) Tree 14	2m
Calodendron capense (Cape Chestnut) Tree 15	2m

Reason: To protect existing trees during the construction phase.

Tree protection fencing excluding structure

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

Schedule

Tree/location	Radius from Trunk
Jacaranda mimosifolia (Jacaranda) Tree 1	5m
Quercus robur (English Oak) Tree 2	8m
Araucaria heterophylla (Norfolk Island Pine) Tree 11	2m

The tree protection fence shall be constructed of star pickets at 2.4 metres wide spacings and connected by four strands of 2mm wire at 300mm wide spacings to a minimum height of 1.5 metres prior to work commencing.

Reason: To protect existing trees during the construction phase.

Tree protection fencing type galvanised mesh

75. The tree protection fencing shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

Reason: To protect existing trees during construction phase

Tree protection signage

76. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at

10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

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

Reason: To protect existing trees during the construction phase.

Tree protection mulching

77. Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

Tree protection – avoiding soil compaction

78. To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

Schedule

Tree/Location

Ulmus procera 'Argenteo-variegata' (Elm) Tree 22

Eucalyptus haemastoma (Scribbly Gum) Tree 25

Reason: To protect existing trees during the construction phase.

Trunk protection

79. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced horticulturist/arborist, with minimum qualification of horticulture certificate or tree surgery certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Schedule**Tree/Location**

Eucalyptus haemastoma (Scribbly Gum) Tree 25

Tree Fencing Inspection

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

Reason: To protect existing trees during the construction phase.

Protection of public places

- 81 If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or 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, a hoarding 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 hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

Construction signage

83. All construction signs must comply with the following requirements:
- are not to cover any mechanical ventilation inlet or outlet vent
 - are not illuminated, self-illuminated or flashing at any time

- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

Approval for rock anchors

84. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

Reason: To ensure the ongoing safety and protection of property.

Services

85. 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 (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

Erosion control

86. Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

Demolition of Contributory buildings in UCA

87. The recording document is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate. The recording document is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives (if B&W). Any archival documents such as family records, old photographs should also be included.

Black & White photography is preferred for archival purposes but digital photography may be used provided the resolution of the camera is 8 mega pixels or higher and images are on archival photographic paper using archival inks or dyes. Black & White film processed using colour processing (C 41) is not acceptable because it is not archival stable.

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

All photographs or images to be stored in archival sheets or envelopes numbered and cross-referenced to catalogue sheets and plans showing position of camera. A photographic recording sheet must be included. Photographs or images of the following

- each elevation
- selected interiors
- photographs of the tennis court
- 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 for B&W photography

- statement of reasons the recording was made
- photographic catalogue sheet
- photographic plan
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- one set of numbered negatives
- contact prints labelled and cross referenced
- selected prints

Minimum requirements for Digital photography

- statement of reasons the recording was made
- photographic catalogue sheet
- photographic plan
- location plan showing relationship of site to nearby area
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- CD or DVD with electronic images as TIFF file.
- set of thumbnail images (6 images on A4 paper) labelled and cross referenced
- selected 105 x 148mm images (A6) labelled and cross referenced (note only one report to contain selected large images)

Geotechnical report

88. Following demolition of the existing structures and prior to the commencement of any other works on the site, a supplementary geotechnical report is to be

prepared. Recommendations are to be obtained for vibration monitoring. Works including inspections are to proceed in accordance with the recommendations of this report.

Reason: To ensure the safety and protection of property.

Dilapidation survey and report (private property)

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

Address
31 Lorne Avenue
8 Wallaroo Close
25a-29 Lorne Avenue

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

Construction and traffic management plan

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

1. 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

- No construction access is to be obtained directly from Powell Street,
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

2. Traffic control plan(s) for the site

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

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

Traffic controllers are to be located at the site frontage and also at the intersection of Powell Street and Wallaroo Close when construction vehicles are using Wallaroo Close for access, in order to control pedestrians and other traffic using Wallaroo Close.

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

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

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

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

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

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

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

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

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

Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Wallaroo Close and Powell Street over the site frontage, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

Principal Certifying Authority prior to the commencement of any excavation works.

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE FOR 11 POWELL STREET, KILLARA

Submission of plans of subdivision (Torrens Title)

92. For endorsement of the linen plan for the subdivision of 11 Powell Street, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- * the endorsement fee current at the time of lodgement
- * the 88B instrument, if required, plus 6 copies
- * The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Note 1: It may be preferable to subdivide 11 Powell Street and consolidate the other properties at the same time, since there would be fewer lots created.

Note 2: Plans of subdivision and copies must not be folded.

Reason: Statutory requirement.

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

Compliance with BASIX Certificate

93. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 151370M have been complied with.

Reason: Statutory requirement.

Clotheslines and clothes dryers

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

Reason: To provide access to clothes drying facilities.

Allocation of car parking spaces

95. A total of nine (9) car spaces within 'Basement Level 1' shall be clearly identified/signposted as being visitor car parking. The Basement Level 1 plan

(DA04) approved with the Construction Certificate shall be amended accordingly.

Reason: To ensure compliance with LEP 194 and DCP 55.

Mechanical ventilation

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

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

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

Reason: To protect the amenity of surrounding properties.

Accessibility

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

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

Reason: Disabled access & services.

Completion of landscape works

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

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

Removal of noxious plants & weeds

99. The following noxious and/or environmental weed species shall be removed from the property prior to completion of building works:

Schedule**Plant species**

Ipomoea sp. (Morning Glory Vine)
Erigeron karvinskianus (Seaside Daisy)
Olea europaea subsp. africana (African Olive)
Cinnamomum camphora (Camphor laurel)
Tradescantia albiflora (Wandering Jew)

Reason: To protect the environment.

Reinstatement of redundant crossings and completion of infrastructure works

100. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:
- new concrete driveway crossing in accordance with levels and specifications issued by Council
 - removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
 - full repair and resealing of any road surface damaged during construction
 - full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully

repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the streetscape.

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

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

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

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

Sydney Water Section 73 Compliance Certificate

102. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

Reason: Statutory requirement.

Certification of as-constructed driveway/car park – RFB

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

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

The vehicular headroom requirements of:

- Australian Standard 2890.1 – "Off-street car parking",

- 2.44 metres 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.

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

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

Certification of drainage works

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

- The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- The minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- Retained water is connected and available for use.
- Basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- All grates potentially accessible by children are secured.
- Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the 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.

Reason: To protect the environment.

WAE plans for stormwater management and disposal

105. 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.

Reason: To protect the environment.

Basement pump-out maintenance

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

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitably qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

Post-construction dilapidation report

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

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

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

Reason: Management of records.

Kitchen bench space

- 108 The kitchen benches within Units 3, 11, 19 and 27 shall be increased in length and width to provide additional working space.

Reason: To comply with SEPP 65 and maximise internal residential amenity.

CONDITIONS TO BE COMPLIED WITH PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE

Submission of plans of subdivision (strata)

109. For issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies suitable for endorsement by the consent authority. The following details must be submitted with the plan of subdivision and its copies, where Council is the consent authority:

- the endorsement fee current at the time of lodgement
- the 88B instrument plus 6 copies
- all surveyors and/or consulting engineers' certification(s) required under this subdivision consent.
- All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the final plan and may require payment of re-checking fees.

Plans (and copies) of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.

Reason: Statutory requirement.

Submission of 88B instrument

110. Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

General easement/R.O.W. provision and certification

111. Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

Easement for waste collection

112. An easement for waste collection must be provided. This is to permit legal access for Council, and 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 indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

OSD positive covenant

113. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B 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. 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.

Reason: To ensure maintenance of on site stormwater detention facilities.

Retention and re-use positive covenant

114. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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.

Reason: To ensure maintenance of on site stormwater retention and re-use facilities.

Maintenance of water quality measures

115. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the water quality measures on the lot.

Reason: To ensure maintenance of water quality measures and to protect the environment.

No vehicular access directly from Powell Street

116. A restrictive covenant is to be created on the title, which prevents vehicular access to the subject property over the handle adjacent to 9 Powell Street.

Reason: To ensure safety of pedestrians.

CARRIED UNANIMOUSLY

313 **Councillor Access to Information & Interaction with Staff Policy**

.
File: S05249

To adopt an amended policy on Councillor Access to Information and Interaction with Staff.

Resolved:

(Moved: Councillors Ryan/Lane)

That the amended Councillor Access to Information and Interaction with Staff Policy be adopted.

CARRIED UNANIMOUSLY

314 **Conflict of Interests Policy**

.
File: S05246

To adopt an amended Conflict of Interests Policy.

Resolved:

(Moved: Councillors Ryan/Lane)

That the amended Conflict of Interests Policy be adopted.

CARRIED UNANIMOUSLY

315 **Review of Electoral Matters**

File: S03733

To review electoral matters in accordance with the Local Government Act (the Act).

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That the number of Councillors for the next term of Council remain at ten.
- B. That the proposed constitutional referendum in respect of changing the method of election of Mayor be conducted in conjunction with the September 2008 ordinary election.
- C. That public notice be given of proposed boundary changes between the Wahroonga and Comenarra Wards in order to meet the requirements of the Local Government Act in respect of elector numbers per Ward.

CARRIED UNANIMOUSLY

316 **2006 to 2010 Management Plan 4th Quarter Review as at 30 June 2007**

File: S04708

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

Resolved:

(Moved: Councillor Ryan/Mayor Ebbeck)

That the report on the progress of the Key Performance Indicators contained in the 2006 to 2010 Management Plan for the 4th quarter of the Plan, be received and noted.

CARRIED UNANIMOUSLY

317 **2006 to 2007 Budget Review 4th Quarter ended June 2007**

File: S05708

To report on the review of actual expenditure and income against the budget, as revised at three previous quarters for the year ended 30 June 2007 and seek approval to carry over budgets to fund the incomplete works at 30 June 2007.

Resolved:

(Moved: Councillors Ryan/Hall)

- A. That the Budget Review report as at 30 June 2007 be adopted.
- B. That the schedule of carry-over requests totalling \$1,798,800 be approved, the funds voted for expenditure and the estimates for 2007/08 be adjusted accordingly (see Attachment B).
- C. That the following allocations of cash be made as at 30 June 2007:
 - 1. Transfer \$82,183 to the Contingency Reserve
 - 2. Transfer \$200,000 to the Bonds and Deposits Reserve
 - 3. Transfer \$313,123 to the Election Reserve
 - 4. Transfer \$323,000 to the Employee Leave Entitlements Reserve

CARRIED UNANIMOUSLY

318 **Investment Report as at 31 July 2007**

File: S05273

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

Resolved:

(Moved: Councillors Ryan/Hall)

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

CARRIED UNANIMOUSLY

319 **Review of Council's Investment Policy**

File: S03537

To review Council's Investment Policy to ensure that it complies with the Local Government Act (1993) and regulations and maximises returns on Council's funds.

Resolved:

(Moved: Councillors Ryan/Hall)

- A. That Council's current investment policy be adjusted only for its date of effect.
- B. That Council's Investment Policy be reviewed again within two (2) years, or earlier if emergent circumstances require it.

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

Against the Resolution: Councillor Shelley

320 **Appointment of Auditor for the Four-Year Period to 30 June 2013**

File: S05943

To appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Ryan/Hall)

- A. That pursuant to Section 422 of the Local Government Act 1993, Council hereby appoint the firm Spencer Steer as its auditor for the period 1 July 2007 to 30 June 2013.
- B. That the audit fee for the financial year to 30 June 2008 be set at \$48,500 exclusive of GST.
- C. That the audit fee for subsequent years be increased by the percentage increase in the Sydney All Groups Consumer Price Index as at 31 March each year. The base index for this purpose will be the March 2008 quarter.
- D. That the General Manager be authorised to formally issue a letter of appointment to the firm Spencer Steer.
- E. That the \$7,500 shortfall be considered as part of the September Quarterly Budget Review.

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

Against the Resolution: Councillor Shelley

321 **West Pymble Swimming Pool - Lease - Option of further 2 Years**

File: S02348

For Council to consider the granting of a further two year lease to the current Lessee, I and M Martin to operate Council's West Pymble Swimming Pool.

Resolved:

(Moved: Councillors Ryan/Andrew)

- A. That Council approve the granting of the lease extension to the current Lessee, I and M Martin on the same terms and conditions as the current lease.
- B. That the new lease commences on 1 September 2007 and expires on 31 August 2009.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease.
- E. That Council advise the Lessees that the lease term may be reduced if the redevelopment of the Swimming Centre proceeds.

CARRIED UNANIMOUSLY

322 **Ku-ring-gai Access Advisory Committee –Minutes of 21 June 2007**

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 21 June 2007.

Resolved:

(Moved: Councillors Lane/Ryan)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 21 June 2007 be received and noted.

CARRIED UNANIMOUSLY

323 Environmental Levy Programs Committee - Minutes of 13 July 2007

File: S04551

To bring to the attention of Council the proceedings from the Environmental Levy Programs Committee meeting held on Friday, 13 July 2007.

Resolved:

(Moved: Councillors Ryan/Andrew)

That the Minutes and attachments of the Environmental Levy Programs Committee Meeting of Friday, 13 July 2007, be received and noted.

CARRIED UNANIMOUSLY

324 St Ives Showground - Proposed Licence to Heritage Craft Fair Pty Ltd

File: S02195

For Council as Reserve Trust Manager for the St Ives Showground to consider the granting of a new 3 year licence to the Heritage Craft Fair Pty Ltd for the operation of a heritage craft fair at the St Ives Showground.

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That Council as Reserve Trust Manager for the St Ives Showground, grant a licence to Elizabeth Pratt trading as the Heritage Craft Fair Pty Ltd, commencing on 1 September 2007, under the terms and conditions outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Common Seal of Council be affixed to the licence.
- D. That subsequent to Council approval, the terms and conditions of the licence be submitted to the Department of Lands for the Minister's consent.

CARRIED UNANIMOUSLY

325 **126A Burns Road, Wahroonga - Relocation of Council Pipe & Easement**

File: DA0370/07

Ward: Wahroonga

To consider granting approval for the relocation of a Council stormwater pipeline and easement.

Resolved:

(Moved: Councillor Cross/Mayor Ebbeck)

- A. That Council grant approval for the extinguishment of the existing easement traversing the south western corner of the property and creation of a new drainage easement 1.83m wide over the new 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 relocating the drainage easement including release and creation and Council's legal costs and disbursements be borne by the applicant.
- D. That Council approve the proposal to relocate the stormwater pipelines in accordance with the stormwater plans and details, drawing No. 372198/P1-P5/1 prepared by Appleyard Forrest AFCE and subject to the following conditions:
 - 1. The applicant carrying out all drainage works in accordance with the plans and specification approved by Council at no cost to Council.
 - 2. The works are subject to inspections. The applicant or their engineer is to give Council at least 24 hours notice (to allow inspection).
 - 3. The existing operating Council drainage line through the site is maintained during pipe laying works.
 - 4. The Council drainage line traversing site is decommissioned and new drainage line made operative.
 - 5. Applicant may commence works in site to remove the decommissioned Council drainage system, subject to Principal Certifying Authority approval.

CARRIED UNANIMOUSLY

326 **10 to 16 Marian Street, Killara - To Extinguish Existing Drainage Easement & Create a New Easement over Newly Constructed Stormwater Pipeline**

File: DA1388/04-12

Ward: Gordon

For Council to consider granting approval to extinguish the existing drainage easement and create a new easement over the new stormwater pipeline traversing the development site of No.10 to 16 Marian Street, Killara.

Resolved:

(Moved: Councillors Ryan/Lane)

That consideration of the matter be deferred.

CARRIED UNANIMOUSLY

327 **2007 to 2008 RTA Program Funding**

File: S02388

To approve Council's allocation of the 2007-2008 Roads and Traffic Authority Program Funding and to accept the Block Grant for 2007-2008.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council accepts the grant offer of \$78,000 for the Bobbin Head Road cycleway extension, \$8,000 for the refuge island at Bobbin Head Road /De Faur Street and the \$20,000 for the footpath/ramp at Boundary Street under the Traffic Management and Footpath Program.
- B. That Council accepts the grant of \$42,000 under the Road Safety Program.
- C. That Council accepts the grant of \$225,000 from the Roads and Traffic Authority under the 2007-2008 REPAIR Program for pavement rehabilitation of Lady Game Drive between 500m from Highfield Road and 200m from Grosvenor Road and Eastern Arterial Road from 700m from Burraneer Avenue to 500 from Koola Avenue.
- D. That Council not accept the Traffic Facilities component of the Regional Road Block Grant for 2007-2008 and continue to use RTA resources to carry out traffic facilities work.
- E. That Council accepts the Roads component of \$188,000 and the Supplementary Road Component of \$82,000 of the Regional Roads Block Grant for 2007-2008.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN328 **Dog Waste Bins/Bag Dispensers**

.
File: S03014

Notice of Motion from Councillor Tony Hall dated 20 August 2007.

I move that:

"That Council install effective separate dog waste bins/ bag dispensers at all leash free locations sufficient to support the need, with priority given to sportsfields so dedicated, and that their installation be regarded as Council policy in accordance with the provisions of the Companion Animals Act.

That a report be brought back to Council at its meeting of 25 September 2007 on the provision of dog waste bins and dispensers in all of Council's off-leash dog areas and that the report examine the number, frequency of service, occupational health and safety issues and potential sources of funding for this installation and service.

Resolved:

(Moved: Councillors Hall/Lane)

That the above Notice of Motion as amended be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

*Standing Orders were suspended to hear Items
where there are speakers first
Motion moved by Councillors Ryan & Cross
was CARRIED UNANIMOUSLY*

329 **Ku-ring-gai Community Workshop "The Shed"**

.
File: S05268

The following member of the public addressed Council:

K Callinan

Councillor Shelley withdrew during address

To advise Council of a proposal from the Ku-ring-gai Workshop Committee to establish a Community Workshop called "The Shed" in Ku-ring-gai.

Resolved:

(Moved: Councillors Ryan/Andrew)

- A. That Council confirm its commitment to the Ku-ring-gai Community Workshop Inc. in the establishment of a Community 'Shed' Workshop.
- B. That a cross departmental project team be established to examine possible options for a site to establish a Community Workshop in Ku-ring-gai.

CARRIED UNANIMOUSLY

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

(Moved: Councillor Hall/Mayor Ebbeck)

That Council confirm its commitment to the establishment of a Community "Shed" Workshop and further, that the General Manager provide a report to the Council meeting of 25 September analysing the suitability of the Seniors Resource Centre located at 271 Pacific Highway Lindfield, or other suitable location, for such a facility.

Councillor Shelley returned

330

16 Stanhope Road, Killara - Potential Heritage Item

File: P59155

The following members of the public addressed Council

**L Bratby
C Cowley
G Brooks
R Mok**

To have Council consider the potential heritage status of 16 Stanhope Road, Killara following the Councillor site inspection on 1 August 2007.

Resolved:

(Moved: Councillors Anderson/Shelley)

That 16 Stanhope Road, Killara remain on the potential heritage item list.

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

Against the Resolution: Councillors Hall & Lane

331 **Gifts & Benefits Policy**

.
File: S05247

To adopt a Gifts and Benefits Policy.

Resolved:

(Moved: Councillors Shelley/Hall)

That the Gifts and Benefits Policy be adopted as amended, as follows:

- A. Under Section 5, dot point 7 – “any prize received in a raffle, competition or other game of chance in circumstances where you are engaging in your Council role, unless conducted by a registered charity at a public event and drawn at that event”.
- B. Section 5 dot point 16 – “Any product or service received that has a retail value of \$50 [including GST] or less.

CARRIED UNANIMOUSLY

Councillor Ryan departed

332 **Analysis of Land & Environment Court Costs 2006 to 2007**

.
File: S02466

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

Resolved:

(Moved: Councillors Shelley/Anderson)

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

CARRIED UNANIMOUSLY

333 **Building Maintenance Program 2007/08**

File: S02533

To advise Council of the proposed Building Maintenance Program for 2007/08 and the draft 2008/2010 Program.

Motion:

(Moved: Councillor Shelley/Mayor Ebbeck)

That the 2007/08 Building Maintenance Program and the draft 2008/2010 Building Maintenance Program be adopted.

CARRIED UNANIMOUSLY

334 **2007/2008 Capital Works Program**

File: S05347

To recommend to Council capital works projects in accordance with Council's 2007/2011 Management Plan.

Resolved:

(Moved: Councillors Shelley/Ebbeck)

- A. That Council adopts amended budget for Project expenditure in 2007/08, as outlined in Attachment 13.
- B. That Council adopts the 2007/08 Canopy Replenishment Program as outlined in Attachment 1.
- C. That Council adopts the Environmental Levy Program 2007/08 Projects as outlined in Attachment 2 and the draft 2008/2012 Program as outlined in Attachment 3.
- D. That Council adopts the proposed 2007/08 5 Year Road Program and the draft 2008/2012 Rolling Road Works Program as outlined in Attachment 4.
- E. That Council adopts the 2007/08 New Footpath and Business Centres Program and the draft 2008/2012 Program as a draft Rolling Program. (Attachments 5 & 6).
- F. That Council adopts the revised ranking criteria for the New Footpath Program as indicated in the Report.

- G. That Council adopts the projects outlined in Attachment 7 for the 2007/08 Parks Development Program.
- H. That Council adopts the 2007/08 Playground Refurbishment & Development Projects including a draft rolling program for future years, as outlined in Attachment 8 and that the forward design for the playground adjacent to Firs Estate Cottage is undertaken in the current financial year, with a view to implementation in the first half of the 2008-2009 financial year.
- I. That \$8,000,000 be allocated from the 2004 Section 94 Plan to fund open space acquisition.
- J. That \$20,000 be allocated from the Golf Course Improvements Program to progress planning for the sewer mining tender.
- K. That Council adopts the 2007/08 Stormwater Drainage Capital Works Program as outlined in Attachment 9.
- L. That Council adopts the Tennis and Hard Courts Projects 2007/08 and draft future years program as outlined in Attachment 10.
- M. That Council adopts the 2007/08 Traffic Facilities Program and the draft 2008/2012 Program as outlined in Attachment 11.
- N. That Council adopts the 2007/08 Sportsfield Refurbishment and development projects as outlined in the report.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

335 Publication of Development Applications

File: S02222

Question Without Notice from Councillor T Hall

I ask the General Manager to advise whether Council is inhibited from advertising DAs received, their location & purpose to ensure additional public consultation takes place to avert the recent gun shop omission?

If not so inhibited, would he advertise the DAs lodged in Council's weekly advertisement that already includes publication of DA Consents in the North Shore Times?

Answer by the General Manager

Happy to analyse that Question and report back to Councillors as soon as possible.

336 **Review Traffic Management Plan for Kings Avenue, Roseville**

Files: 88/05635/03, 88/05867/03

Question Without Notice from Councillor M Shelley

Would the Director Development & Compliance review the traffic management plan for the Kings Avenue/Nola Road developments as Councillor Anderson and I continually responding to individual requests from the neighbours in all the surrounding streets?

Answer by the General Manager

Development Control Staff will assess the Traffic Management Plan.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place to view The Swain Gardens, Stanhope Road, Killara. Councillors will be advised by Director Strategy of the date & time.

A Motion moved by Councillors Shelley & Andrew to move into Closed Meeting with the Press and Public Excluded to deal with the following item was CARRIED UNANIMOUSLY

337 **2 to 6 Clydesdale Place, Pymble - Council ats Clydesdale Place Pty Ltd - Land & Environment Court Action 10677 of 2007**
[Section 10A(2)(g) - Advice concerning litigation]

File: S06126

Report by Corporate Lawyer & Director Strategy dated 27 August 2007.

Resolved:

[Moved: Councillors Shelley/Andrew]

That Council agree to enter into consent orders modifying Condition 12 of DA1428/05 to reduce the Section 94 contribution payable from 561,211.17 to 545,420.72.

CARRIED UNANIMOUSLY

To Open Council

The General Manager adverted to the consideration of the matter referred to in Minute No 337, and to the resolution contained in such Minute.

The Meeting closed at 9.55pm

The Minutes of the Ordinary Meeting of Council held on 28 August 2007 (Pages 1 - 65) were confirmed as a full and accurate record of proceedings on 4 September 2007

General Manager

Mayor / Chairperson