

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 28 JUNE 2005

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

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

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

No such interest was declared.

ADDRESS THE COUNCIL

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

N Pallin
Mr Rich

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: UTS Rezoning Proposal - Memorandum by Director Planning & Environment dated 22 June 2005
- Refers GB.2: 1580 to 1596 Pacific Highway, Wahroonga - Three Memorandums by Director Development & Regulated dated 28 June 2005
- Refers GB.7: Draft (Heritage Conservation) LEP No 31, 134 to 138 Eastern Road & LEP No 32 - "The Oaks", 517 Pacific Highway, Killara - Memorandum by Director Planning & Environment dated 28 June 2004
- Councillors Information: Draft (Heritage Conservation) LEP No 29 - 27 Richmond Avenue & 400 Mona Vale Road, St Ives - Letter from NSW Heritage Office dated 3 June 2005 in reference to Council Minute No 111 of 5 April 2005.
- 1580 to 1596 Pacific Highway, Wahroonga - Site Inspection Minutes of 11 June 2005 - from Senior Town Planner of Don Fox Planning Pty Ltd

CONFIRMATION OF MINUTES

236 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 14 June 2005

Minutes numbered 207 to 235

Resolved:

(Moved: Councillors Hall/Innes)

That Minutes numbered 207 to 235 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

237 Queen's Birthday Honours 2005

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File: S02767

I am proud to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been recognized in the Queen's Birthday Honours 2005.

I would like to read to you the names of these special Ku-ring-gai citizens and the honours that have been bestowed upon them.

Mrs Helen BERSTEN: Medal of the Order of Australia (OAM). Awarded for service to the community as an historian, particularly through the Australian Jewish Historical Society.

Mr Gordon Timothy BRAY: Member of the Order of Australia (AM). Awarded for service to broadcasting as a sports commentator, to the promotion of Rugby Union football, and to the community.

Mr John Stirling CRAIG: Medal of the Order of Australia (OAM). Awarded for service to community health through the New South Wales branch of Alzheimers Australia, and to the community through the Rotary Club of Sydney.

Mrs Shirley June STACKHOUSE: Medal of the Order of Australia (OAM). Awarded for service to horticulture as a journalist, author, broadcaster and lecturer.

Mr Richard Egerton Warburton: Officer of the Order of Australia (AO). Awarded for service to business and commerce through contributions to a range of government and industry bodies and business enterprises, particularly in the areas of corporate governance and policy formulation, and to the community.

Dr Robert Theam YEOH: Member of the Order of Australia (AM). Awarded for service to the community as an advocate for the welfare of people living with Alzheimers disease and other forms of dementia, their carers and families and to the aged.

Ku-ring-gai should be proud that it has so many citizens being recognized at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

Resolved:

- A. That Council acknowledge the outstanding contribution made by these recipients of the Queen's Birthday Honours to the Ku-ring-gai community and to the wellbeing of our society.
- B. That the Mayor writes to each of the recipients on behalf of Council and the people of Ku-ring-gai congratulating them on their awards.

CARRIED UNANIMOUSLY

FESTIVAL ON THE GREEN

*On behalf of the Council and the community,
the Mayor thanked the Directors and Staff involved
in the Festival on the Green as it was an incredible success*

PETITIONS

238 **20 Warwick Street, Killara - Objection to Revised Development Application 417/05
(Four Hundred & Two [402] Signatures)**

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File: DA0417/05

"We, the petitioners who have signed our names below are opposed to inappropriate medium/high density development in Warwick Street and surrounding streets.

We believe the revised application still does not address the concerns highlighted by the Land & Environment Court in its two previous judgements (June 2004 and March 2005). In short, the proposal does not contribute to an environment with clear character and identity.

We wish to register our concerns and implore Council to reject the application. It differs little from the prior rejected applications. It does not comply with SEPP53 and is inappropriate."

Resolved:

(Moved: Councillors Lane/Hall)

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

CARRIED UNANIMOUSLY

239 **Staddon Close, Wembury Street & Edgecombe Road, St Ives - Residents Oppose
Listing on the State Heritage Register (Sixteen [16] Signatures)**

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File: S02223

"We, the undersigned residents of Staddon Close, Wembury Street and Edgecombe Road, St. Ives, respectfully:

1. Note that, without prior notice to or consultation with any of us, the Royal Australian Institute of Architects has seen fit to nominate "Pettit & Sevitt Display Village No. 2" (which apparently includes the homes in which we live) for listing on the State Heritage Register.
2. Note that, notwithstanding the nomination was made prior to 10 May 2005, the NSW Heritage Council has not notified any of us of that event, let alone requested our views. Instead, we have had to make contact with the Heritage Council ourselves and request information.
3. Advise that we are each strongly opposed to the listing of our respective homes on

the State Heritage Register.

4. Advise that we will take whatever steps are lawfully available to us to resist the listing of our respective homes on the State Heritage Register.
5. Wish to inform you that our respective homes represent our most significant asset and the prospect that their value will or may be reduced without our consent is a matter about which we are very concerned and anxious.
6. Wish to inform you that some of us purchased our homes with the intention of extending them (subject to the usual development approval process) as our families grew, which extensions may be precluded by a listing on the State Heritage Register.
7. Note that, on 2 June 2004, the NSW Heritage Council made a recommendation to the Minister (pursuant to s.33 of the *Heritage Act* 1977) that the Minister not list "Pettit & Sevitt Exhibition Centre No. 1 Precinct (Richmond Avenue, St. Ives)" on the State Heritage Register. In that regard, the NSW Heritage Council said that it could not "reach any definitive conclusion that the group is of State heritage significance"
8. Note that, on 5 April 2005, Ku-ring-gai Council decided to discontinue the Local Heritage Listings of 27 Richmond Avenue and 400 Mona Vale Road, St. Ives (both part of the "Pettit & Sevitt Exhibition Centre No.1 Precinct") (DLEP29).
9. Further note that, prior to that decision, Ku-ring-gai Council incurred considerable costs in the preparation, exhibition and resolution of DLEP29 and in relation to the defence of a Class 1 Appeal concerning 27 Richmond Avenue.
10. Would be surprised indeed, having regard to the history outlined in paragraphs 7 to 9 above, if:
 - (a) The NSW Heritage Council came to a contrary view as regards the heritage significance of our homes;
 - (b) Ku-ring-gai Council supported the heritage listing of our homes; and
 - (c) Ku-ring-gai Council was prepared to incur additional costs in support of the heritage listing of our homes contrary to our wishes.
11. Consider it significant that the Royal Australian Institute of Architects chose to nominate the "Pettit & Sevitt Exhibition Centre No.1 Precinct" for listing on the State Heritage Register before nominating our homes, and has only nominated our homes following the rejection of its first choice.
12. Consider it anomalous, having regard to the history outlined in paragraphs 7 to 9 above, that No.2 Staddon Close is listed as a heritage item in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance, and request that such listing be rescinded or cancelled.
13. Advise that none of us intends to demolish our home, and each of us intends to maintain a high standard of maintenance and care.
14. Advise that a number of the homes *have* been extended and/or altered since their construction.

15. Kindly request that you, our local elected representatives:

- (a) support our stance against the listing of our homes on the State Heritage Register;
- (b) keep us informed of any further developments regarding the nomination and any consideration or recommendation by Ku-ring-gai Council or the NSW Heritage Council; and
- (c) at the appropriate time, make submissions pursuant to s.33(1) of the *Heritage Act* opposing the listing.

Resolved:

(Moved: Councillors Hall/Lane)

That the Petition be received and referred to the appropriate officer of Council for attention and advice and a copy of the Petition be forwarded to the NSW Minister for Heritage for her attention and advice.

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

Against the Resolution: *Councillor Bennett*

240

Request Council to Purchase 100 to 102 Rosedale Road to Ensure Long-Term Preservation of St Ives Blue Gum High Forest (Three Hundred & Seventy-One [371] Signatures)

Files: DA0902/04-2, S03349

Councillor Hall presented the following Petition to Council:

"We, the undersigned, urge Ku-ring-gai Council to commit to the immediate purchase of 100 -102 Rosedale Road to ensure the long term preservation of the St Ives Blue Gum High Forest.

- The St Ives Blue Gum High Forest is the largest best-preserved and most intact forest of its kind left in Australia. It is listed as an 'endangered ecological community' and it is currently being assessed for State Heritage Listing as it has proven outstanding historical, cultural and ecological significance.
- 100-102 Rosedale Road, St Ives, which forms part of the core habitat of this forest, is privately owned land. Any development on the site will have detrimental effects on the surrounding forest, endangering its long-term survival.
- In 2002 the National Parks and Wildlife Service recognized the Blue Gum High Forest was in imminent danger of extinction.

- Results of recent Community Surveys (Ku-ring-gai and St Ives) clearly show conservation of biodiversity and habitat are the priorities of Ku-ring-gai residents.
- Ku-ring-gai Council recognized the importance of the Forest as early as in the 1930s when it purchased Browns Forest during the Depression.
- Council is currently considering spending tens of millions of dollars on building facilities.

It is time Ku-ring-gai Council accepted its responsibility in the purchase of this last important section for reserve to ensure the survival of the forest for future generations."

Resolved:

(Moved: Councillors Hall/Bennett)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

241 **8, 10 & 12 Nola Road, Roseville - Demolition of Existing Structures and Construction of a Residential Flat Building Comprising 32 Units, 58 Basement Car Spaces and Landscaping**

File: DA1333/04

Ward: Roseville

Applicant: Grant Rickey

Owner: Nola Road Properties Pty Ltd

To determine Development Application No.1333/04 which seeks consent for the demolition of existing structures, the construction of a residential flat building providing 32 dwellings, including basement parking and landscaping.

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That consideration of DA1333/04 at 8, 10 and 12 Nola Road, Roseville be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

21 Handley Avenue, Turramurra - Option to Renew Lease

File: P45278

To advise Council that the Pymble Turramurra Kindergarten Inc. have exercised its option to renew the lease for the premises at 21 Handley Avenue, Turramurra.

Resolved:

(Moved: Councillors Lane/Shelley)

- A. That Council receive and note the exercise of option and approve the grant of a 3 year lease to the Pymble Turramurra Kindergarten Inc. over Council premises at 21 Handley Avenue, Turramurra.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the Common Seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

Councillor Hall withdrew

West Pymble Pool Refurbishment Stage 4 Tender

File: S03829

For Council to authorise a selective tender process for Stage 4 works for the refurbishment of West Pymble Pool in accordance with the facility condition audit and five year asset management plan.

Resolved:

(Moved: Councillors Lane/Malicki)

- A. That Council receive and note the report outlining an upgrade on the program of works to the pool.
- B. That a tender be used for the selection of suitably qualified persons or organisations to implement Stage 4 upgrade to the 50 metre pool, plant room and water treatment plant works, as outlined in this report, consistent with the provision of Section 55 of the Local Government Act.
- C. That a further report be referred to Council to consider tender submissions, the preferred tenderer and associated funding implications during November 2005.

CARRIED UNANIMOUSLY

244 **Bushland Catchments and Natural Areas Reference Group - Meeting of 9 May 2005**

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File: S03448

To bring to the attention of Council the proceedings from the Bushland Catchments and Natural Areas Reference Group meeting held on Monday 9 May 2005.

Resolved:

(Moved: Councillors Lane/Malicki)

That the Minutes of the Bushland Catchments & Natural Areas Reference Group Meeting of 9 May 2005 be received and noted.

CARRIED UNANIMOUSLY

245 **Draft (Heritage Conservation) Local Environmental Plans No 31, 134 to 138 Eastern Road, Wahroonga And 32, "The Oaks", 517 Pacific Highway, Killara**

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File: S04156 S04074

For Council to consider the abandonment of Draft (Heritage Conservation) Local Environmental Plans No 31 (DHLEP31), 134-138 Eastern Road, Wahroonga and consider DHLEP32 "The Oaks", 517 Pacific Highway, Killara (DHLEP32) following exhibition.

Resolved:

(Moved: Councillors Lane/Shelley)

That consideration of the matter be deferred.

CARRIED UNANIMOUSLY

246 **Acceptance of RTA Funding for 2004/2005**

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File: S02388

The purpose of this report is to seek Council's endorsement to accept funding from the Roads and Traffic Authority for roadworks to be completed by 2004/2005.

Resolved:

(Moved: Councillors Lane/Malicki)

That Council endorses the action taken by the Director Technical Services to accept the \$275,000 grant for road works on regional roads for 2004/05 and the re-allocation of funds to provide Council's share of the funds.

CARRIED UNANIMOUSLY

247 **Investment Cash Flow and Loan Liability May 2005**

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File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for May 2005.

Resolved:

(Moved: Councillors Shelley/Ebbeck)

That the summary of investments, daily cash flows and loan liability for May 2005 is received and noted.

CARRIED UNANIMOUSLY

Councillor Hall returned

*Standing Orders were suspended following
a Motion by Councillors Ebbeck and Innes
to deal with items where there are speakers
was CARRIED UNANIMOUSLY*

248 **1580 to 1596 Pacific Highway, Wahroonga**

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File: DA1081/04

The following members of the public addressed Council:

M De Stoop

K Nash

J Brooker

S Young

L Brennan

**The Mayor, Councillor Ryan vacated the Chair and withdrew
during discussion of the item and the
Deputy Mayor, Councillor Ebbeck assumed the Chair**

To refer the application back to Council following the site meeting and seek Council's determination of the development application.

**The Mayor, Councillor Ryan returned during
discussion of the item and resumed the Chair**

Resolved:

(Moved: Councillors Malicki/Innes)

- A. That consideration of this application be deferred to allow the applicant to submit amended plans for consideration which include a reduction in the height of Block G to a height of 2.6 storeys and a further setback of Block G from the Sydney Blue Gum numbered 131 of at least 1.5 additional metres.
- B. The applicant also to amend Block C to reduce the impact on the Heritage item at 1574-1576 Pacific Highway by incorporating more of the changes recommended both by Council's Heritage Advisor in the report of 18 April and by the site specific DCP55.
- C. That Council seek legal advice with regard to the implications arising from the prosecution relating to the removal of trees on its consideration as consent authority on this development.

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

Against the Resolution: Councillor Lane

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

(Moved: Councillors Lane/Hall)

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

THAT the Council, as the consent authority, grant development consent to DA1081/04 for the construction of seven (7) residential flat buildings containing 157 apartments and basement parking for 218 vehicles, including 40 visitor spaces and strata subdivision into 158 lots on land at 1580-1596 Pacific Highway, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

- 1. The development to be in accordance with Development Application No 1081/04 and Development Application plans prepared by Meriton Apartments Pty Ltd, reference number Drawing numbers: DA00(A), DA01(B), DA02(B), DA10 (A), DA11(A), DA12(A), DA13(A), DA14(A), DA15(A), DA16(A), DA17(A), DA18(B), DA19(B), DA20(B), DA21(B), DA22(B), DA31(A), DA32(A), DA41(A), DA42, (A) DA51(A), DA52(A), DA61(A), DA62(A), DA71(A), DA72(A), DA81(A), DA82(A), DA91(B), DA92(B), DA93(B), dated March 2005, dated March 2005 and lodged with Council on 6 April 2005.
- 2. All building works shall comply with the Building Code of Australia.

3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The external materials and finishes are to comply with the schedule of finishes prepare by Meriton Apartments Pty Ltd. In particular:
 - Face brick – Cinnamon Smooth (Boral)
 - Roof – terracotta tile
 - Powder coated privacy screens and aluminium balustrade – Iron Bark (Dulux 52036)
 - Rendered and painted brickwork of balustrade – European White (Dulux)
 - Rendered and painted brickwork 'V' jointed – Delta Waters (Dulux 17.B2)
5. Peep holes" shall be provided to the entrance doors for all units for personal security.
6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
7. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
8. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
9. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
10. For safety purposes, depth markers shall be provided at both ends of the pool.
11. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.

12. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
13. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
14. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

15. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
16. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
17. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
18. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
19. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.

- b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
20. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
21. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
22. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- In this clause, allotment of land includes a public road and any other public place.
23. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
24. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the SUBDIVISION Certificate.
25. If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

- 26. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 27. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 28. The fence and footings shall be constructed entirely within the boundaries of the property.
- 29. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
- 30. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
- 31. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.

32. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
33. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
34. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
35. External paved access for vehicles and pedestrians being provided with material which will provide some contrast to the finish of the pavement to the satisfaction of the Principal Certifying Authority.
36. No advertising signs are to be erected without the prior consent of Council.
37. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

38. Landscape works shall be carried out in accordance with Landscape Drawing No DA-0436-01 Rev B, DA-0436-02 Rev B, and DA-0436-03 Rev B prepared by Guy Sturt and Assoc. and dated 04/04/05 submitted with the Development Application, except as amended by the following:
 - The proposed planting of two Eucalyptus saligna (Bluegum) adjacent to the eastern side of the driveway within the proposed terraced gardens are to be relocated so that they are located no closer than 6.0m from any structure in the same vicinity.
 - Existing trees (#'s 129, 130, 133, and 134) Lophostemon confertus (Brushbox) located adjacent to the southern site boundary are to be removed and replaced with eight (8) Elaeocarpus reticulatus (Blueberry Ash) with a minimum pot size of 45 litres, evenly spaced at 4.0m intervals offset from the southern site boundary by 1.5m and planted in conjunction with appropriate native understorey planting screening shrubs able to attain a minimum height of 3.5m.

- The proposed planting of *Eucalyptus pilularis* (Blackbutt) adjacent to the southern site boundary (Landscape Plan Part B) are to be planted at an advanced size and have a minimum height at the time of planting of 4.0m.
 - To maintain and enhance neighbour amenity, the proposed planting of *Pittosporum revolutum* (Yellow flowering pittosporum) adjacent to 2 Munderah St is to have a minimum height of 1.2m at the time of planting.
 - To improve and maintain neighbour amenity it is required that proposed planting of the western site boundary adjacent to Buildings F and G be substantially increased with native endemic shrub species able to attain minimum heights of 3.0 to 4.0m. Understorey screening shrubs are to be planted at 2.0 to 3.0m intervals to ensure a dense screen planting.
 - Raised fixed planter boxes/beds are to be provided along the entire south-eastern elevation of the terrace on level 5 of Block A and the entire north-western elevation of the terrace on Block B on level 5. The planter boxes/beds are to be planted with shrubs which achieve a cumulative total height of 2.0m
39. To enhance streetscape amenity the proposed timber fence panels adjacent to the Pacific Hwy and Munderah St frontages are to be deleted and replaced with an open palisade fence to the same dimensions.
- 39A. To provide and maintain neighbour amenity, person(s), having the benefit of this consent will construct, at its full cost, centrally located on the boundary, a masonry 'face brick' fence. The fence is to have a maximum height of 1.2m above existing ground levels forward of the building line of No. 2 Munderah Avenue and increase to a maximum height of 1.8m above existing ground levels behind the building line. To minimise adverse tree impacts, no masonry works are permitted beneath the canopy drip line of existing trees to be retained. Beneath the canopy dripline of existing trees, the masonry wall shall be replaced with a lightweight timber fence to a maximum height of 1.8m. If, in the event an existing tree trunk straddles the site boundary, the timber fence is to be constructed around the tree with a 1.5m setback from the outer edge of the tree trunk wholly within the subject site (1580-1596 Pacific Highway).
- 39B. The applicant shall submit prior to the issue of a Construction Certificate for works excluding site clearing and excavation, an amended landscape plan to Council's Landscape Officer that shall incorporate the items listed in the Deed of agreement. In addition, the applicant shall provide additional screen planting along the northern side of the boundary fence.
40. To enhance and maintain streetscape amenity to both the Pacific Highway and Munderah St, any proposed fencing is to be located with a minimum 2.0m setback from the site boundaries. The proposed fence and fence piers are not to exceed 1.8m in height above ground level.

41. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
42. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree numbers refer to Arborists Report by TALC dated 22 March 2005	
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	10.0m
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#4 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	6.0m
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	4.0m (western side, 7.0m elsewhere)
#36 <i>Casuarina glauca</i> (Sheoak) Adjacent to western site boundary/2 Munderah Street	3.0m
#39 <i>Acer palmatum</i> (Japanese Maple) Adjacent to western site boundary/2 Munderah Street	4.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	5.0m

#123 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to eastern site boundary within 1578 Pacific Hwy	4.0m
#127 <i>Eucalyptus nicholii</i> (Small leaf peppermint) Adjacent to eastern site boundary within 1578 Pacific Hwy	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	6.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	10.0m
#135 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	10.0m
#140 <i>Castanospermum australe</i> (Qld Blackbean) Adjacent to western site boundary within neighbouring property	4.0m
#141 <i>Angophora floribunda</i> (Rough barked apple) Adjacent to western site boundary within neighbouring property	4.0m
#166 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the rear north west site corner	7.0m
#170 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear north-west site corner	3.0m
#171 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear north-west site corner	8.0m
#178 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear north-west site corner	10.0m
#180 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear northern site boundary	8.0m
#184 <i>Erythrina sykesii</i> (Coral Tree) Adjacent to rear northern site boundary in neighbouring property	7.0m
#189 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary	5.0m

43. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Principal Certifying Authority shall be required at

three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.

44. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	10.0m
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#4 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	6.0m
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) (western side, 7.0m Adjacent to eastern/Pacific Hwy site boundary elsewhere)	4.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	6.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	10.0m
#189 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary	5.0m

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

Tree/Location	Radius From Trunk
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	8.0m
#166 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the rear north west site corner	7.0m

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

Tree/Location	Radius From Trunk
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	5.0m
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	5.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	4.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	3.0m

47. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate

Tree/Location	Radius From Trunk
#1 <i>Eucalyptus saligna</i> (Bluegum)	10.0m

Adjacent to northern/Munderah St site boundary

#2 *Eucalyptus saligna* (Bluegum) 10.0m
North east/Pacific Hwy/Munderah St site corner

#10 *Eucalyptus saligna* (Bluegum) 6.0m
Adjacent to western site boundary/2 Munderah St

#11 *Eucalyptus saligna* (Bluegum) 10.0m
Adjacent to western site boundary/2 Munderah St

#14 *Eucalyptus pilularis* (Blackbutt) 10.0m
Adjacent to eastern/Pacific Hwy site boundary

#15 *Eucalyptus saligna* (Bluegum) 10.0m
Adjacent to western site boundary/2 Munderah St

#25 *Eucalyptus saligna* (Bluegum) 7.0m
Adjacent to eastern/Pacific Hwy site boundary

#27 *Cedrus deodar* (Himalayan Cedar) 4.0m
Adjacent to eastern/Pacific Hwy site boundary

#131 *Eucalyptus saligna* (Bluegum) 6.0m
South west site corner

#132 *Eucalyptus saligna* (Bluegum) 10.0m
South west site corner

#166 *Eucalyptus saligna* (Bluegum) 10.0m
Adjacent to the rear north west site corner

48. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
49. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Munderah St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Eucalyptus pilularis (Blackbutt) x 2

50. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Hedera sp. (Ivy)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

51. 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.
52. If it is essential for scaffolding to be erected within a protected area, fencing should be erected to provide just sufficient space for scaffolding. The ground between this fence and the building should be protected by boarding (eg scaffold boards). A single thickness of boarding laid on the soil surface will provide sufficient protection for pedestrian loads, but more substantial boarding sufficient to spread the load should be used for heavier traffic. The ground beneath the boarding should be left undisturbed and should be protected with a porous geotextile fabric. If necessary, sand should be laid on the fabric to level the ground. When required, the building scaffolding should be erected. The boarding should be left in place until the building works are finished.
53. If temporary vehicle access is required near a tree to be retained, 75x75x2000mm hardwood planks are to be laid over a mulched area to a depth of 100mm with organic material being 75% leaf litter and 25% wood to distribute weight and to minimise compaction of soil profiles beneath. Timber lengths are to be secured on top of such to avoid movement and the structure should be constructed to accommodate vehicles that are to be used on site. Structural soil or similar should be used as a subgrade placed above existing soil levels for alternate driveway surfaces to support larger site vehicles or more rigid type temporary sealed road surfaces.
54. Tree protection signage is to be attached to each tree protection zone and displayed in a prominent position and the sign repeated at 10.0m intervals or closer where the fence changes direction. The signs to be a minimum size of 600mm x 500mm. Example details, as following:
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment contained within, to allow those trees to be retained as components of the existing landscape for incorporation into the landscape works for this site. It is the intent of this tree management process to retain these trees in a condition that is safe, viable and healthy, or a condition not less than that at the time of the commencement of this development
 3. Due to the critical nature of the Tree Protection Zone with regards to the long term viability of the tree/s, if encroachment or incursion into this zone is deemed to be essential the consulting Arborist should be informed to the undertaking of such works
 4. Name, address, and contact details of the developer.
55. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to the drying out of soil profiles closest to the tree/s, the tree/s is to be deep watered thoroughly at least twice a week. In the event of disrupted ground

or surface water flows to the tree due to excavation, filling, or construction, an irrigation system is to be installed, consideration must be given to volume, frequency and drainage of water delivered, and this is to be in consultation with a qualified consulting Arborist.

56. Where tree protection measures are to be removed or altered this must be undertaken in consultation with the consultant Arborist to ensure tree protection is maintained.
57. Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the piped Council drainage system within the site. Drainage line connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") within Ku-ring-gai Council Water Management Development Control Plan 47.
58. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume totaling 471m^3 , as required in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47, must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes. An additional **on-site detention** system of volume 613m^3 must be provided in accordance with the approved DA stormwater concept plans and supporting documentation.
59. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
60. A maintenance period of six (6) months shall apply to works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
61. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
62. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall

refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

63. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *“Traffic Control Devices for Work on Roads”*. **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
64. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
65. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 *“Off-Street car parking”*.
66. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
67. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early

contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

68. During construction, stormwater runoff must be disposed 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 shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

69. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation method and vibration control,
- Support and retention of excavated faces,
- Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the Pells Sullivan Meynik Pty Ltd Consulting Engineers (refer report number PSM858.L3 Rev2 dated 1st October 2004) and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent property.

70. The geotechnical works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the preliminary geotechnical study **prepared** by Pells Sullivan Meynik Pty Ltd Consulting Engineers (refer report number PSM858.L3 Rev2 dated 1st October 2004). Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) and certification(s) of the geotechnical inspection, testing and monitoring programs.

71. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.

72. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the

commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

73. In order to allow **unrestricted access at all times** for Council waste collection vehicles to the basement garbage storage and collection area, no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark which would prevent this service.
74. To ensure compliance with Australian Standard 2890.1 – 2004 “Off-Street car parking”, no dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The parking layout design is approved based on an open space parking layout.
75. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
76. It is the **full responsibility** of the Applicant and their contractors to:
 - Ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works, and
 - Take full measures to protect the in-ground Council drainage system, and
 - Ensure existing dedicated overland flow paths are satisfactorily maintained through the site.

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved. In the event of a Council drainage pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed, and at no cost to Council.

77. **No part of any building structure shall encroach over any easement and no loadings shall be imposed to utilities within any easement unless approved by the owner(s) appurtenant to the burden. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full**

responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage, impediment or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.

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

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

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

79. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
80. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a

consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

81. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
82. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
83. All windows of habitable rooms on the western and eastern elevations of Block D, the eastern elevation of Block E, and the western elevation of Block C are to be of translucent glazing to ensure privacy is maintained to these apartments. Details are to be shown on the Construction Certificate plans.
84. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate (*Reason: To ensure quality built form of the development*).
85. The following energy efficiency devices are to be installed within the development:
 - a) Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralized gas hot water heating system.
 - b) Dual flush toilets.
 - c) Low flow taps and showerheads.

Details are to be submitted for approved with the Construction Certificate
(Reason: To promote the use of energy efficient appliances).

86. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS 1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (Reason: To preserve community health and ensure compliance with acceptable standards).
87. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed buildings on the site to the appropriate power pole(s) or other connection points, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate (Reason: To provide infrastructure that facilitates future improvement of the streetscape by relocation of overhead lines below ground).
88. Sixteen (16) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and level door handles and taps: such features to be designed generally in accordance with AS 1428.1 and AS 4299-1995 – Adaptable Housing. Details demonstrating compliance are to be submitted with the Construction Certificate (Reason: to ensure equity of access and availability of accommodation in the future for an ageing population).
89. One hundred and ten (110) of the proposed apartments are to be ‘visitable housing units’ in accordance with the requirements of AS 4299. These apartments are to be visitable by people who use wheelchairs. There must be at least one wheelchair accessible entry and path of travel to the living area and to a toilet that is either accessible (meeting the floor space requirements described in AS1428.1) or visitable toilet (minimum space of 1250mm in front of the toilet that is either accessible or visitable. Details demonstrating compliance are to be submitted with the Construction Certificate (Reason: to ensure equity of access and availability for disabled persons).
90. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 150
ADDITIONAL DWELLINGS IS CURRENTLY \$2,734,814.50. The
amount of the payment shall be in accordance with the Section 94 charges
as at the date of payment. The charges may vary at the time of payment in
accordance with Council’s Section 94 Contributions Plan to reflect
changes in land values, construction costs and the consumer price index.

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

with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - Wahroonga	\$6,574.28
3.	Sportsgrounds Works	\$1,318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

91. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

92. A CASH BOND/BANK GUARANTEE of \$45,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the

construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Tree numbers refer to Arborists Report by TALC dated 22 March 2005

#1 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to northern/Munderah St site boundary

#2 *Eucalyptus saligna* (Bluegum) \$3,000.00
North east/Pacific Hwy/Munderah St site corner

#4 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to northern/Munderah St site boundary

#10 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to western site boundary/2 Munderah St

#11 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to western site boundary/2 Munderah St

#14 *Eucalyptus pilularis* (Blackbutt) \$3,000.00
Adjacent to eastern/Pacific Hwy site boundary

#15 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to western site boundary/2 Munderah St

#25 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to eastern/Pacific Hwy site boundary

#27 *Cedrus deodar* (Himalayan Cedar) \$2,000.00
Adjacent to eastern/Pacific Hwy site boundary

#73 *Afrocarpus falcata* (Brown Pine) \$1,000.00
Adjacent to eastern/Pacific Hwy site boundary

#131 *Eucalyptus saligna* (Bluegum) \$6,000.00
South west site corner

#132 *Eucalyptus saligna* (Bluegum) \$3,000.00
South west site corner

#166 *Eucalyptus saligna* (Bluegum) \$6,000.00
Adjacent to the rear north-west site corner

#171 *Eucalyptus saligna* (Bluegum) \$3,000.00
Adjacent to rear north-west site corner

93. Prior to the issue of any Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied under the provisions of Section 97 of the

Local Government Act to cover the restoration by Council of any damage to public infrastructure not repaired in full, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b) The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
 - c) Works in the public road associated with the development are to an unacceptable quality.
94. Prior to issue of any Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design may be generally in accordance with the Stormwater Plan Report X04389-01 and corresponding drainage plans DA01, DA02, DA03, DA04 and DA05, dated December 2004, by Brown Consulting Engineers, submitted with the development application, and advanced as necessary for construction issue purposes.
95. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the Applicant must demonstrate to the Principal Certifying Authority that the necessary easement(s) for drainage have been created to benefit the entire (consolidated) lot. The easement is to be created over all intervening downstream private properties as far as Gilda Ave and is to be over the existing Council drainage pipeline to which connection is proposed. The terms shall be sufficiently wide enough to permit Council to allow the subject site to discharge its runoff into this piped system. The evidence must be in the form of registered title documents indicating the benefits as necessary. The intent of the condition is to ensure that the necessary easement for drainage is in place when works generating runoff (i.e. concrete pouring) are commenced.
96. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the Applicant must consolidate the existing Torrens lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This

condition is imposed to ensure continuous structures will not be placed across separate titles.

97. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, any security gate, grille or door shown on the DA plans which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area must be deleted from the plans approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
98. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (Principal Certifying Authority).
99. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the Applicant shall contact Energy Australia with regard to power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, lighting, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the relevant Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the final Occupation Certificate.
100. Prior to issue of the Construction Certificate for works excluding site clearing and excavation, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised

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

101. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply shall be shown on these designs to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
102. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater detention, retention and bioretention systems. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be in accordance with the Stormwater Plan Report X04389-01 and corresponding drainage plans DA01, DA02, DA03, DA04 and DA05, dated December 2004, by Brown Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
103. Prior to issue of a Construction Certificate for works excluding site clearing and excavation, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention, detention and bioretention devices. Plans and supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 and the relevant drainage codes. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated

November 2004. The design of these drainage components may be generally in accordance with the Stormwater Plan Report X04389-01 and corresponding drainage plans DA01, DA02, DA03, DA04 and DA05, dated December 2004, by Brown Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.

104. Prior to issue of a Construction Certificate for works excluding excavation and site clearing, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), revised plans for the basement and external vehicle access and accommodation arrangements. These plans must address the following details:
 - a) Removal of all doors, grates or security grilles which would prevent access to the respective garbage collection and visitor parking areas within each building. This requirement is specified in Councils DCP 40 and DCP 55.
 - b) One of the resident parking spaces is to be allocated as visitor parking, which will then satisfy the visitor parking requirement of the LEP.
 - c) On parking level 4, Space 1 is to be a minimum 2.8m wide due to the adjacent wall.
 - d) On Parking Level 4, the section of curved roadway between the curved ramp and space 30 must have a minimum outer radius of 11.8m instead of 11 metres and a central median of 0.6 metres is required (refer to clause 2.5.2 of Australian Standard 2890.1 – 2004 “Off-Street car parking”).
 - e) All disabled visitor parking spaces must have signposting (in accordance with AS1428.1) showing the direction to such spaces.
 - f) The transition at the bottom of ‘Ramp 2’ is to be minimum 2m long.
105. Prior to issue of a Construction Certificate for any works excluding excavation and site clearing, the Applicant must have detailed engineering plans approved by Council for the following works in the frontage Road Reserves:
 - Construction of a fully new concrete footpath, 1.2 metres wide or as directed, over the full site frontage on the Pacific Hwy and Munderah Street.
 - Construction of fully new kerb and gutter on the development side in Munderah Street, between the Pacific Highway intersection and the existing kerb and gutter.

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

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

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

A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

106. In the interest of public safety, existing tree numbers 1, 2, 4, 10, 11, 14, 15 and 25, as identified with the submitted arborist's report, are to have further investigative work undertaken including aerial inspections and resistograph testing to be undertaken by the consulting arborist prior to the issue of the construction certificate to determine their structural integrity as a result of previous storm damage and initial findings. Recommendations and works to be undertaken as a result of the further investigation is to be detailed in a report which is to be submitted to the principal certifying authority, with a copy to Council's assessing Landscape Development Officer. The recommendations and works detailed within the report are to be undertaken prior to the release of the construction certificate. In the event that the trees are recommended for removal, replacement trees of the same species with a minimum pot size of 45litre are to be planted within the same general vicinity.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

107. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
108. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified

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

Tree/Location	Radius in Metres
#2 <i>Eucalyptus saligna</i> (Bluegum) North east/Pacific Hwy/Munderah St site corner	10.0m
#14 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to eastern/Pacific Hwy site boundary	7.0m
#25 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern/Pacific Hwy site boundary	6.0m
#27 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to eastern/Pacific Hwy site boundary	3.0m
#39 <i>Acer palmatum</i> (Japanese Maple) Adjacent to western site boundary/2 Munderah St	2.0m
#73 <i>Afrocarpus falcata</i> (Brown Pine) Adjacent to eastern/Pacific Hwy site boundary	2.0m
#123 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to eastern site boundary within 1578 Pacific Hwy	4.0m
#127 <i>Eucalyptus nicholii</i> (Small leaf peppermint) Adjacent to eastern site boundary within 1578 Pacific Hwy	5.0m
#131 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	5.0m
#132 <i>Eucalyptus saligna</i> (Bluegum) South west site corner	8.0m
#135 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	10.0m
#140 <i>Castanospermum australe</i> (Qld Blackbean) Adjacent to western site boundary within neighbouring property	5.0m
#141 <i>Angophora floribunda</i> (Rough barked apple) Adjacent to western site boundary within neighbouring property	4.0m
#166 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the rear north-west site corner	6.0m
#170 <i>Eucalyptus saligna</i> (Bluegum)	3.0m

Adjacent to rear north-west site corner

#171 *Eucalyptus saligna* (Bluegum) 8.0m
Adjacent to rear north west site corner

#178 *Eucalyptus saligna* (Bluegum) 10.0m
Adjacent to rear north-west site corner

#180 *Eucalyptus saligna* (Bluegum) 8.0m
Adjacent to rear northern site boundary

#184 *Erythrina sykesii* (Coral Tree) 7.0m
Adjacent to rear northern site boundary in
neighbouring property

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

Tree/Location	Radius From Trunk
#1 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	10.0m
#4 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern/Munderah St site boundary	6.0m
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	6.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#15 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	10.0m
#189 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site boundary/2 Munderah St	5.0m

110. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
111. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

112. Prior to the commencement of **any** works on site the applicant shall submit **to Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:

- a) Full road pavement width, including kerb and gutter, of Munderah Street between the western most boundary alignment and the Pacific Hwy, including the intersection
- b) 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 via photo and written) *existing* damaged areas on the aforementioned infrastructure so that:

- Council is fully informed when assessing the damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy

The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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

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

2. Traffic Control Plan(s) for the site

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

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

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- 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, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

4. For traffic and pedestrian amenity purposes, no truck movements shall occur in Pacific Highway, Ada Avenue, or

Munderah Street during school drop off (8:00am to 9:30am) nor during school collection hours (2:30pm to 4:00pm).

The principal Certifying authority shall monitor the traffic control and management situation over the course of construction works and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

The proposed truck route is to be temporarily signposted for the duration of the demolition and construction works to indicate the proposed truck routes.

114. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
115. Prior to the commencement of any works on site, a closed circuit television (CCTV) inspection and report on the existing condition of the entire section of Council drainage pipeline traversing the subject property must be completed. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
116. Prior to the commencement of construction works on site the Applicant must liaise with the RTA in relation to installing 'No Stopping' signage over the Pacific Highway frontage of the site. The general requirement for the installation 'No Stopping' signage over the Arterial Road frontages of construction sites is specified by RTA.
117. **Prior to the commencement of any excavation works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations.**

This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

118. The subdivision certificate must not be issued until a *final* Occupation Certificate is issued by the Principal Certifying Authority. This condition is imposed to ensure that all development works related to the subdivision are completed to an acceptable standard prior to transfer of responsibility for the site and development.
119. Prior to issue of the subdivision certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site detention, retention and re-use, and bioretention facilities. The terms of the instruments are to be generally in accordance with the Council's terms of Section 88B instrument for protection of detention and retention and re-use facilities (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The locations of the facilities within common property are to be denoted on the final plan of subdivision.
120. Prior to issue of the subdivision certificate an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.
121. For 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. This is to create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be

named as the authority whose consent is required to release, vary or modify the same.

122. For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:
- a) The endorsement fee current at the time of lodgment.
 - b) The 88B Instrument plus six (6) copies,
 - c) A copy of the final Occupation Certificate issued under this consent.
 - d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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 consent authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. **Plans of subdivision and copies 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.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

123. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
124. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
125. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
126. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

127. **Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the preliminary geotechnical study prepared by Pells Sullivan Meynik Pty Ltd Consulting Engineers (refer report number PSM858.L3 Rev2 dated 1st October 2004) and subsequent geotechnical input must be compiled in report format and submitted to the Principal Certifying Authority for approval.**
128. At the completion of works and prior to issue of the Occupation Certificate qualified practitioners must undertake a follow up closed circuit television (CCTV) inspection and then report on the existing condition of the entire section of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Occupation Certificate. The report is to include a copy of the video footage of the pipeline. Any damage to the pipe caused by the works shall immediately be repaired in full at no cost to Council.
129. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - b) Completion of all works in accordance with the Council approved *Roads Act* plans.
 - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - d) Full repair and resealing of any road surface damaged during construction.
 - e) 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. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

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

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

131. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
132. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make specific reference to each of the following aspects of the installed drainage and stormwater management measures:
 - a) That construction of the stormwater drainage management systems has been carried out by a plumbing and engineering contractor licensed to do so.
 - b) All Sydney Water approvals have been obtained for the use of reticulated water.
 - c) That the as-built detention, retention and bioretention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in appendix 4 of DCP47 in relation to the on-site detention system).
 - d) The as-built drainage layout (including pits, pipes, spreaders and the like) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
 - e) That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, grading and provision of stormwater collection devices.
 - f) The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
133. Prior to issue of an Occupation Certificate the applicant shall submit Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall cover:
 - a) Completed bioretention basins and indicative levels within.
 - b) As built location and indicative internal dimensions of all detention and retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
 - c) As built surface and invert levels for all drainage pits and junction points.
 - d) Gradients of drainage lines, materials and sizes.
 - e) As built level(s) at the approved point of discharge to the public drainage system.

- f) As built locations of all access pits and grates in the detention, retention and bioretention systems, including dimensions.
- g) The size of the orifices or pipe controls fitted.
- h) Dimensions of the discharge control pit and access grates.
- i) The achieved capacity of the retention and detention storages and derivative calculations.
- j) The maximum depth of storage over the outlet control for on-site detention.
- k) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.

The WAE(s) is to be prepared by a registered surveyor and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be marked in red on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as turf) are laid.

134. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

- a) A copy of the approved Construction Certificate stormwater drainage plans which show the bioretention systems, retention systems and detention systems.
- b) A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- c) The Engineer's certifications of the as-built drainage, retention and detention systems as specified in this consent.

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

135. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- a) Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
- b) The revisions to the vehicle access and accommodation arrangements necessary under this consent, shown on the relevant approved Construction Certificate drawings, have been constructed, and

- c) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
136. Prior to issue of the Occupation Certificate, the provision of separate underground electricity, gas and phone, or appropriate conduits for the same, must be provided to the site to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

BUILDING CONDITIONS

137. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
138. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
139. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
140. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative

treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

141. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
142. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

249

Draft Development Control Plan No 56 - Notification

File: S03673

The following members of the public addressed Council:

S Young
A Carol

To present to Council Draft Development Control Plan No 56 for consideration and adoption.

Resolved:

(Moved: Councillors Bennett/Innes)

- A. That Draft Development Control Plan No 56 - Notification as amended be adopted.
- B. That the adopted Development Control Plan No 56 be reviewed within twelve months.
- C. That where demolition is proposed for an item within an area identified by Council as a proposed conservation area or where the item is identified as a potential heritage item by Council the application be notified on Council's website under a separate notification heading and that notification signs be placed on site.
- D. That for new Dual Occupancy Applications that notification signs be placed on site.

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

Against the Resolution: Councillor Cross

250

UTS Rezoning Proposal

File: S03621

The following members of the public addressed Council:

Dr Ken Doyle

G Hosier

J Dwyer

To present to Council an assessment of the proposal to rezone the UTS Ku-ring-gai campus and to obtain a resolution from Council on the procedure for the next stage of the project.

Resolved:

(Moved: Councillors Shelley/Innes)

- 1. That the rezoning proposal not be formally exhibited in its present form.
- 2. That Council staff work with the UTS to determine a more feasible and appropriate development opportunity for the site.
- 3. That any proposal would include the requirement for a Council approved Plan of Management as recommended by the Department of Environment and Conservation in its letter of 31 May 2005 to formalise a threat and habitat management plan for threatened and vulnerable species.

CARRIED UNANIMOUSLY

251 **Draft Ku-ring-gai Community Plan 2005 to 2009**

File: S03313

To present to Council the draft Ku-ring-gai Community Plan 2005 to 2009.

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That the matter be deferred and that the Community Plan be referred to the Community Development Committee for consideration.
- B. That the next Community Development meeting to commence at 4:00pm and that this item be placed at the end of the agenda.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

252 **Copyright Acknowledgement**

File: S02085

Question Without Notice from Councillor M Shelley

- a) Would the General Manager arrange for acknowledgement of Mrs Jennifer Harvey as the owner of copyright of the photographs in the Council brochure - Ku-ring-gai, a statement of significance?
- b) Would the General Manager arrange for the drafting of an Intellectual Property Policy and an Intellectual Property Asset register, specifically to avoid Council printing photographs in brochures without acknowledging the copyright owner or any other breaches of Intellectual Property rights?

Answer by the General Manager

I will review and report back.

253 **Recycling Building Materials Requirements**

File: S04178

Question Without Notice from Councillor M Shelley

- a) Would the Director of Development and Regulation advise what are the requirements, if any, for recycling building materials on sites covered by LEP194 and LEP200?

I ask this as I am informed that nothing was recycled from the Minister's site in Tryon Road, Lindfield.

- b) If there are requirements, could they please be detailed in the conditions brought before Council in DAs?

Answer by the Mayor

The Director Development and Regulation will take that on notice.

254 **134 to 138 Eastern Road, Wahroonga - Protection of Blue Gum High Forest**

File: DA1163/03-3

Question Without Notice from Councillor I Cross

Can staff investigate the application by residents made to the Director-General, Department of Environment and Conservation for an interim protection order for areas of Blue Gum High Forest on 134 to 138 Eastern Road and offer the Department assistance in assessment of that application, particularly given the bio-linkage value that this site offers to Clive Evatt and Turiban Reserves and provide information to Councillors, within a reasonable timeframe, on action taken and assistance given?

Answer by Director Open Space

I will get some information to the Councillors.

255 **Notification for a Heritage Study/Draft LEPs for Heritage Listing**

File: S03660

Question Without Notice from Councillor T Hall

Would the General Manager bring back an urgent report to the Planning Committee for a process of notification of property owners where they may be subject to a Council Heritage Study and/or for inclusion in draft LEPs for local heritage listing under Schedule 7 of the Planning Scheme Ordinance?

Answer by the Mayor

I think it can be discussed at a Planning Committee meeting.

256 **Correspondence regarding Multi-Storey Housing in Turramurra Town Centre**

File: S04038

Question Without Notice from Councillor E Malicki

Could Staff tell me when the Turramurra Town Centre letters telling residents there will be multi-storey housing in the Town Centre are due to go out, please?

I certainly have not received anything yet.

Answer by Director Open Space

That information will go out with newsletters. We are still in the process of getting that together.

257 **Multi-Storey Housing in Turramurra Town Centre Correspondence**

File: S04038

Question Without Notice from Councillor E Malicki

It is my understanding that these letters were to be sent out some time ago. Can someone tell me who made the decision to delay this and why?

Answer by the General Manager

I will have to take that on notice.

258 **Review of Notification Signs**

File: S02367

Question Without Notice from Councillor L Bennett

Can the Director Development Control review the format, structure and size of Notification signs?

Answer by Director Development and Regulation

Yes.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 16 July 2005 to view the following property:

8, 10 and 12 Nola Road, Roseville

The Meeting closed at 9.18pm

The Minutes of the Ordinary Meeting of Council held on 28 June 2005 (Pages 1 - 53) were confirmed as a full and accurate record of proceedings on 19 July 2005.

General Manager

Mayor / Chairperson