

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 28 MARCH 2006

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

Staff Present: General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Manager Regulation & Compliance Branch (Anne Seaton)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Director Community Services (Janice Bevan)
Acting Director Finance & Business (John Clark)
Senior Governance Officer (Geoff O'Rourke)
Admin Assistant (Keri Blackman)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

Councillor Shelley declared a possible Conflict of Interest in Item GB.5 - Sponsorship Proposal - Business Achiever Awards 2006.

ADDRESS THE COUNCIL

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

G Hodgson

88 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

Resolved:

(Moved: Councillors Cross/Ebbeck)

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

- C.1 Adshel Street Furniture - community Information Units (*Section 10A(2)(c) - Information that would confer a commercial advantage*)

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

89 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 14 March 2006

Minutes numbered 61 to 87

Resolved:

(Moved: Councillors Ebbeck/Lane)

That Minutes numbered 61 to 87 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

90 **Objection to Development of 1 to 3 Nulla Nulla Street & 5 to 11 Turramurra Avenue, Turramurra - (Twenty [20] Signatures)**

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File: DA0069/06

"We, the undersigned residents of Nulla Nulla Street, Turramurra object to the above Development Application for the following reasons:

1. The two proposed multi-storey buildings and the Seniors Living buildings will have all vehicle ingress and egress into Nulla Nulla Street. Where there are currently three (3) residences with vehicle access to the street there will be forty

six (46) in the proposed development. The claim that there are currently five driveways onto the street is untrue; there is one layback which is completely redundant and one which leads to a set of gates into a back garden which is not used. The other properties in the proposed development all currently exit into Turramurra Avenue. The increase in traffic both into the street and negotiating the turn into Turramurra Avenue will create congestion and safety issues that the street is not designed to handle.

2. The claim in the Development Application that there is “little pedestrian traffic as there are no destinations of interest” does not take into account the many children who cross Nulla Nulla Street to go to and from the station on school days. For a period of at least an hour in the morning and in the afternoon there are a number of children who live in the surrounding streets who walk across Nulla Nulla Street, not to mention the number of children who live in the street. As there is no crossing, an increase in traffic exiting the street at these times creates an issue for pedestrian safety.
3. The proposed Seniors Living building at 1 Nulla Nulla Street, Block “C”, is to be constructed on what is an elevated site, created by fill when the current single storey dwelling was constructed. As such it is well above the surrounding ground level and though the development is stated to be two storeys the effect once the “ground level” is further elevated by the underground car parking is to make the building so large as to create issues with loss of privacy and sunlight. This building also has balconies which face east affecting the privacy of adjoining properties. The bulk of this building and its lack of aesthetic appeal also impact on the properties on the opposite side of the street and the streetscape in general. The “contemporary” style of the proposed development, with its institutional architectural style, does not blend with the style of the surrounding dwellings.
4. The streetscape, with the mature trees at the Turramurra Avenue end of the street, is part of the Turramurra area streetscape. The pressure which this proposed development will place on the street may lead to a decision that the street needs to be widened by the removal of the trees to allow for the vehicular access. It would be a tragedy to lose trees which are such a feature.
5. We are also concerned about the noise, dust and management of the site during construction particularly as the Development Application anticipates that all demolition and construction vehicles will use Nulla Nulla Street to access the site.
6. Points of Law please see attached letter from Ian Ellis-Jones, Lawyer.
7. Town Planning issues please see attached letter from Peter A. Le Bas of the Turnbull Group.

We are residents of a street which is a special precinct where children play on the street and people know each other by their first names. We ask Council to preserve as much of that as is possible."

Resolved:

(Moved: Councillors Cross/Ebbeck)

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

CARRIED UNANIMOUSLY

91

Warrimoo Oval - Trialling Dog Off-Leash Park - Petition of Support - (Seventy-Eight [78] Signatures)

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File: S02038

Petition presented to Council by Councillor Hall on 28 March 2006:

"We, the undersigned, thank you once again for your support in the "trialling" of Warrimoo Oval as a "dog off leash" park. The trial has been received with great enthusiasm by local dog owners as can be seen by the increased use of the Oval. All are mindful of removing pet waste and of keeping dogs from interfering with any non-dog owners using the Oval. We are extremely confident that sporting groups, general public and dog owners and their pets can all benefit from the use of the Oval without conflict."

Resolved:

(Moved: Councillors Hall/Bennett)

That the Petition be received and the matter discussed later in conjunction with Item GB.2 - Companion Animals Management Plan (Minute No 100).

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

92

Innisfail Cyclone Larry

File: S04828

Like most Sydneysiders I was shocked to learn of the terrible impact of the Hurricane Larry on the lovely town of Innisfail in Queensland.

It brought back to me the devastation suffered in Ku-ring-gai on 21 January 1991, which now seems mild in comparison to what the people of Innisfail are suffering. I well recall the feeling of isolation and the overwhelming nature of the job which confronted us as residents in trying to restore order to our home and neighbourhoods.

What gave us renewed hope and comfort were the thousands of volunteers who came from all over New South Wales, and some from interstate, to help us get our lives back into order.

One day I counted over 20 different trucks and appliances from many parts of the state all there to assist us, asking nothing in return but the satisfaction of knowing that they could help other human beings in trouble.

While I would offer my assistance in Innisfail in a moment, I do not have the skills needed at this time.

I would like to propose that Council contact Peter Cosgrove and his staff to find out how we can best assist the people of Innisfail.

If it is acceptable I believe we should ask for volunteers from among our skilled staff to travel to Innisfail to use these skills to assist the residents. We should pay the fares and wages and accommodation for up to 4 of our staff for a period of up to 3 weeks with an opportunity to extend this time.

This is a way we at Ku-ring-gai Council can thank all of the wonderful volunteers who helped to ease the burden we faced following our storm in 1991, and I hope that Councillors will support this Mayoral Minute.

Resolved:

- A. That Council contact Peter Cosgrove to establish the best means of assisting the people of Innisfail and surrounding areas.
- B. That consideration be given to sending a maximum of 4 of our staff (on a voluntary basis) for a period of up to 3 weeks with an opportunity to extend this time.
- C. That if staff are sent to Innisfail in accordance with B. above, that Council pay their fares, wages and appropriate expenses.
- D. That staff only to be sent once sufficient insurance protection has been established.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

- 93 **1389 to 1397 Pacific Highway, Warrawee - Demolition of Existing Structures & Construction of 2 Residential Flat Buildings (59 Units), Basement Car Parking & Landscaping**

File: DA1116/05

Ward: Wahroonga
Applicant: Warr Pty Ltd
Owner: Warr Pty Ltd

To determine development application No.1116/05, which seeks consent for demolition of existing structures and construction of 2 residential flat buildings (59 units), basement car parking and landscaping.

Resolved:

(Moved: Councillors Ryan/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA1116/05 for demolition and construction of two (2) residential flat buildings, basement parking and landscaping on land at Nos. 1389 – 1397 Pacific Highway, Warrawee, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1116/05 and Development Application plans prepared by Nettletontribe listed below lodged with Council on 30 September 2005:

Roof Plan no. 2775_DA_18_A dated September 2005
Level 4 Floor Plan no. 2775_DA_17_A dated September 2005
Level 3 Floor Plan no. 2775_DA_18_A dated September 2005
Level 2 Floor Plan no. 2775_DA_15_A dated September 2005
Level 1 Floor Plan no. 2775_DA_14_A dated September 2005
Ground Floor Plan no. 2775_DA_13_A dated September 2005
Sections no. 2775_DA_31_A dated September 2005
Streetscapes no. 2775_DA_23_A dated September 2005
Internal Elevations no. 2775_DA_22_A dated September 2005
Street elevations no. 2775_DA_21_A dated September 2005
Basement Level B2 Plan no. 2775_DA_11_A dated September 2005

Basement Level B1 Plan no. 2775_DA_12_A dated September 2005
Landscape Plan No. 56.05/116 sheets 1-3 prepared by Ian Jackson dated July 2005
Schedule of materials prepared by Nettletontribe lodged with Council on 30/9/05

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the

builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. 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.
13. 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.
14. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that

direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.

16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
17. 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.

18. 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.

19. 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.
20. 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 construction certificate.
21. 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.

22. 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.
23. The fence and footings shall be constructed entirely within the boundaries of the property.
24. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
25. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
26. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
27. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
28. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

29. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
30. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
31. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
32. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
33. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
34. All combustible material shall be removed from the site on a daily basis. Materials shall not be burnt on the site.
35. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
36. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
37. Fire hoses are to be maintained on site during the course of demolition.

38. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
39. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
40. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
41. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
42. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
43. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
44. To maintain the established streetscape and general appearance, the overall height of the fence is not to exceed 1.2 metres in height above finished ground level for visually transparent fences and 900mm for visually solid fence forms.
45. 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.
46. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.

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

Tree/location	Time of inspection
All existing trees to be retained	Prior to demolition After completion of demolition Prior to excavation After completion of excavation works Prior to construction At monthly intervals during construction At the completion of all works on site

48. Landscape works shall be carried out in accordance with Landscape Plan 46.05/116 Sheets 1-3 prepared by Ian Jackson and dated July 2005 submitted with the Development Application.

49. REMOVAL/PRUNING of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#'s 31 & 32 *Liquidambar styraciflua* (Sweet Gum)
Winton St nature strip

50. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
51. No tree roots of 30mm 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
#6 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Pacific Hwy nature strip	4.0m
#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	4.0m

#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.5m
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	3.0m
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	4.0m
#27 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary	3.0m
#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	5.0m

52. 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
#6 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Pacific Hwy nature strip	4.0m
#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	4.0m
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.5m
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	3.0m
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	4.0m
#27 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary	3.0m
#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	5.0m

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

Tree/Location	Radius From Trunk
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#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	4.0m
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#27 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary	3.0m
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#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	5.0m
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54. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
55. The tree species as detailed on the Landscape Plan 46.05/115 Sheet 2 and 46.05/116 Sheet 3, shall be planted, at no cost to Council, in the nature strip fronting the property along Winton St, Pacific Hwy and Lowther Park Ave. The tree/s used shall be a minimum 25 litres container size specimen/s trees:
56. Following removal of the nominated trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
57. 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.
58. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species
59. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system in Winton Street.
60. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), 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.
61. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system

must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

62. 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.
63. A maintenance period of six (6) months shall apply to all 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.
64. Where required, the adjustment or additions 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.
65. 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.**
66. 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.
67. 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" as a minimum requirement.

68. For the purpose of any further plan assessment and works inspections by Council's 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 sign-off from Council.
69. 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.
70. 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.
71. 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).
72. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Preliminary Geotechnical Investigation 19552Vrpt by Jeffery and Katauskas and the subsequent geotechnical investigations carried out for construction purposes.
73. 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.
74. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.
75. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and 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.

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.

76. 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.

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

77. 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.

78. 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).
79. 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.

80. To preserve the following tree/s, footings of the proposed boundary fence shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
#6 Melaleuca quinquenervia (Broad leaf Paperbark) Pacific Hwy nature strip	4.0m
#7 Eucalyptus sideroxylon (Ironbark) Pacific Hwy nature strip	4.0m
#20 Lagerstroemia indica (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.5m
#21 Acer palmatum (Japanese Maple) Adjacent to north west site corner	3.0m
#22 Acer palmatum (Japanese Maple) Adjacent to northern site boundary	4.0m
#28 Castanospermum australe (Blackbean) Adjacent to northern site boundary	5.0m

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

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

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to

make all arrangements regarding transference of the bond and to notify Council of such.

82. A CASH BOND/BANK GUARANTEE of \$6 000.00 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 Occupation Certificate, 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	Bond Value
#6 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Pacific Hwy nature strip	\$1,000.00
#7 <i>Eucalyptus sideroxylon</i> (Ironbark) Pacific Hwy nature strip	\$2,000.00
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	\$1,000.00
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	\$500.00
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	\$500.00
#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	\$1,000.00

83. The Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of the lodgement of a consolidation plan with the Department of Lands 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.
84. Prior to issue of the Construction Certificate, 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 (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.

85. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to 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 Occupation Certificate. Any sub-station and/or fire hydrant booster assembly must be located in a discrete location with landscaping to minimise the visual impact of the facility from the streetscape.
86. Prior to issue of the Construction Certificate, 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.

87. The Applicant must carry out the following infrastructure works in the Public Road:
- a. construct a 1.2 metres wide concrete footpath along the Lowther Park Avenue frontage of the site.

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

proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

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

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

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

88. Prior to issue of the 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 or surveyor 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).
89. Prior to issue of the Construction Certificate 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, car washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans 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.

90. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. 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, and are to be sealed and lightproof. 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 may be generally in accordance with the Concept Stormwater Drainage plan prepared by AFCE Environment + Building, advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
93. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other

trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.

- b) A clear height clearance of 2.44 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- c) No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

94. A report is to be submitted to and approved by Council’s Heritage Advisor prior to issue of a Construction Certificate.

The photographic report for each building to be demolished (Nos. 1391 – 1397 Pacific Highway) is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified person who has knowledge and experience in preparing archival recording documents.

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

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

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

Minimum requirements:

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

Digital images and CDs may be submitted as supplementary information.

95. To provide for adequate privacy, the architectural plans must be amended prior to the release of the construction certificate to provide planter boxes on balconies (minimum width 500mm for larger balconies, 300mm for smaller balconies) of the following units:-
- Units L4-01 (northern edge) L4-02 (northern & eastern edges), L4.03 (southern edge) L4-05 (northern & western edges), L4-06 (northern edge) L4-07 (northern edge);
 - Northern edges of Units L3.01, L3.02, L3.03, L3-10, L3-11, L2 – 12, L3 – 13; L3.05 (southern edge) L3.09 (western edge)
 - Northern edges of Units L2- 01, L2- 02, L2.03 (also eastern edge), L2.10, L2.11, L2.12; L2.13, southern edge of L2.05, western edge of L2.09
 - Northern edges of Units L1.02, southern edge of L1.03. & northern edge of L1.10, L1.11, L1.12, L1.13 southern edge of L1.05, & western edge of L1.09
 - Also Privacy screens for the eastern perimeter of the balconies for Unit Nos. L4.05, L3.03, L3.11, L2.11, L1.11 & northern perimeter of L1.01 & L1.03.
96. A boundary fence (1.8m high) must be provided along the northern boundary from the front building line in Winton Street to the front building line in Lowther Park Avenue to minimise overlooking into adjoining properties at the applicant's expense. The architectural plans must be amended accordingly prior to the release of the construction certificate.
97. Six (6) of the proposed apartments are to be designed with accessible features for disabled persons, and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. 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*).
98. The recommendations for noise attenuation within the development must be included in the application for a construction certificate in accordance with the Acoustic Report prepared by Atkins Acoustics dated September 2005 submitted to Council on 30 September, 2005.
99. One (1) visitor car must be adapted to provide a car wash bay in the basement car park for both buildings (A & B) in accordance the BCA requirements in this respect that must not result in the loss of any car parking, storage or waste disposal areas for the development.

100. 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 FIFTY SIX (56) ADDITIONAL DWELLINGS IS CURRENTLY \$928,386.02. 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 - Turramurra/Warrawee	\$4,723.00
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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

101. 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 Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
102. 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.
103. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
- a. **Describe the anticipated impact of the construction works on:**
 - local traffic routes
 - pedestrian circulation adjacent to the building site;
 - and on-street parking in the local area; and;
 - b. **Describe the means proposed to:**
 - manage construction works to minimise such impacts;
 - provide for the standing of vehicles during construction;
 - provide for the movement of trucks to and from the site, and deliveries to the site; and
 - c. **Show the locations of:**
 - any site sheds and any anticipated use of cranes and concrete pumps;
 - any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

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

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

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

Tree/Location	Radius in Metres
#20 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western/Winton St site boundary	3.0m
#21 <i>Acer palmatum</i> (Japanese Maple) Adjacent to north west site corner	3.0m
#22 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	4.0m
#27 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary	3.0m
#28 <i>Castanospermum australe</i> (Blackbean) Adjacent to northern site boundary	4.0m

105. 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.
106. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer/principal certifying authority.
107. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
108. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

109. After demolition and prior to the commencement of bulk excavation, the applicant shall carry out an additional geotechnical investigation comprising at least five boreholes, some cored, as recommended in the report by Jeffery and Katauskas. A supplementary report is to be submitted to Council and the Principal Certifying Authority which contains recommendations for vibration monitoring, excavation methods, excavation support and inspection frequency. Works are to proceed in accordance with any recommendations of the supplementary report.

110. 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 methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the Jeffery and Katauskas Report on Preliminary Geotechnical Investigation, 19552Vrpt, dated 13 July 2005, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

111. 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:

- Full road pavement width of Winton Street, Lowther Park Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
- All driveway crossings and laybacks in Winton Street and Lowther Park Avenue 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 in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any 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 any Work Zones in the frontage roadways,
- Location of 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 where possible

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

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

- Separate route maps for spoil removal vehicles and concrete delivery trucks are to be provided.
- Construction vehicles are not to turn in local streets.
- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- 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:

- 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 basement car park shall be made available for employee parking as soon as possible. A timeframe for this is to be included in the plan.

The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. 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.

113. Prior to the commencement of any works on the site, the applicant shall 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 the adjoining structures at 1 and 1A Winton Street and 4 Lowther Park Avenue. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council.
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. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

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

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

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

117. 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.

118. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
119. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
120. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications must be compiled in report format and submitted to the Principal Certifying Authority for approval.
121. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
 - Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

122. 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).
123. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
124. 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:

- That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
- That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
- That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
- The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
- 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.

125. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and management systems. These plans shall show:

- As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
- As built locations of all access pits and grates in the retention systems, including dimensions.
- The achieved capacity of the retention storages and derivative calculations.
- Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- As built surface and invert levels for all drainage pits and junction points.
- Gradients of drainage lines, materials and sizes.
- As built level(s) at the approved point of discharge to the public drainage 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 denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

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

- A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
- A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- All Engineers' certifications 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.

127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
128. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- 1 and 1a Winton Street and 4 Lowther Park Avenue.
 - Full road pavement width of Winton Street, Lowther Park Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.

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

129. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
130. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the

easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

131. 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:
- 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”;
 - Traffic lights and mirrors have been provided at the single lane ramps, with operation as described in Transport and Traffic Planning Associates report 05135, dated September 2005;
 - A sign “Incoming Drivers to Give Way” has been installed at the entry to the car park for Building B.
 - 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.
 - A minimum of 2.44 metres headroom has been provided for access to the waste storage area.
132. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.
133. The entry doors and basement car parking areas for buildings A & B must be fitted a card operated security system (not key operated) to achieve safety by design principles. The entries to the basement car parking areas for Buildings A & B must also be fitted with an intercom system linked to the units to facilitate the use of the visitor car parking spaces. Security lights must also be provided in communal garden areas to further enhance site security without causing a loss of amenity for adjoining properties as a result of unreasonable light spillage

BUILDING CONDITIONS

134. 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.

135. 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.

136. 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.

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

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.

- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- h. A Registered Surveyor's Report confirming approved levels of the ground floor.
- i. A Registered Surveyor's Report confirming approved levels of the first floor.
- j. A Registered Surveyor's Reports confirming approved floor levels for all floors.
- k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

CARRIED UNANIMOUSLY

94 **Lease Renewal - 29 Garrick Road, St Ives**

File: P43683

To consider the renewal of the lease to St Ives Pre-School Kindergarten for the premises located at 29 Garrick Road, St Ives.

Resolved:

(Moved: Councillors Ryan/Lane)

- A That a lease be granted to St. Ives Pre-school Kindergarten for a period of 5 years on the terms as outlined in this report.
- B That the Mayor and General Manager be authorised to exercise all necessary lease documents.
- C. That the Council Seal be affixed to the lease agreement.

CARRIED UNANIMOUSLY

95 **Commonwealth Department of Family & Community Services - Deed of Funding Agreement - Affixing of Common Seal of Council**

File: S02733

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Family and

Community Services (CDFACS) and to seek approval to affix the Common Seal of Council on relevant documents.

Resolved:

(Moved: Councillors Ryan/Lane)

That authority be granted to affix the Common Seal of Council to the Commonwealth Department of Family and Community Services Long Forum Funding Agreement and associated documents.

CARRIED UNANIMOUSLY

96 **Investment Cash Flow & Loan Liability as at 28 February 2006**

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File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and the details of loan liability for February 2006.

Resolved:

(Moved: Councillors Ryan/Lane)

That the summary of investments, daily cash flows and loan liability for February 2006 is received and noted.

CARRIED UNANIMOUSLY

97 **Council Meeting Cycle for April 2006**

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File: S02355

To consider amending the Council Meeting Cycle for April 2006.

Resolved:

(Moved: Councillors Ryan/Lane)

That Council amend its Meeting Cycle for April 2006, as follows:

4 April 2006	Ordinary Meeting of Council
11 April 2006	(Transferred to Thursday, 20 April 2006)

20 April 2006

Ordinary Meeting of Council

CARRIED UNANIMOUSLY

98

Adshel Street Furniture - Community Information Units*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: S02126

Report by Director Technical Services dated 15 March 2006.

Resolved:

(Moved: Councillors Ebbeck/Cross)

That Council advises Adshel that it wishes to undertake a trial for the installation of four advertising information units at Gordon, Lindfield, Turramurra and Wahroonga and seek community feedback.

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

Against the Resolution: *Councillor Bennett*

**Councillor Shelley declared a possible conflict of interest
in respect of the following item -
Sponsorship Proposal - Business Achiever Awards 2006
and withdrew from the Chamber taking no part
in discussion and voting on the item**

99

Sponsorship Proposal - Business Achiever Awards 2006

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File: S02091

To advise Council of a sponsorship proposal from Cumberland Newspapers for the 2006 Business Achiever Awards.

Resolved:

(Moved: Councillors Ebbeck/Ryan)

That Council support the proposal from Cumberland Newspapers to sponsor the *Business Achiever Awards*, Bronze proposal for \$4,500, and that the funding source be identified at the March quarterly review.

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

Against the Resolution: *Councillor Bennett*

Councillor Shelley returned

100 **Companion Animals Management Plan**

File: S03449

To present to Council the draft Ku-ring-gai Companion Animals Plan for the period 2006 to 2011.

Resolved:

(Moved: Councillors Hall/Ryan)

That the draft Ku-ring-gai Companion Animals Management Plan for the period 2006 to 2011 be amended with the addition of Warrimoo Oval and Queen Elizabeth Reserve subject to trial and adoption by Council, and placed on public exhibition for a period of 28 days then reported back to Council.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

101 **Provision of Extra Screen for Map Displays at Extraordinary Council Meetings**

File: S02355

Question Without Notice from Councillor A Ryan

If possible, at Extraordinary Meetings held for the specific purpose of resolving DLEPs for town centres, could staff provide an additional screen to display relevant maps and plans for the benefit of Councillors and members of the gallery?

Answer by the General Manager

I will do that. I have already initiated that & there will also be replicas of that screen now at either side the room so that people towards the back can actually see the without having to squint right up the front. So we will be doing that.

Question by Mayor

Is that permanent?

Answer by the General Manager

They will be permanent, those two screens.

102 **Re-opening of Pentecost Avenue at Mona Vale Road, Pymble**

File: 88/05929/03

Question Without Notice from Councillor T Hall

At a meeting of residents I attended in the Rosedale Road area last Saturday, I was told they will be disadvantaged by the closure of the right hand turn at Rosedale Road and Mona Vale Road, St Ives.

These residents (representing some 400 homes) will have to travel 2.8kms before they gain a right turn in Mona Vale Road, travelling north, when the Rosedale Road closure occurs under the St Ives CBD Draft LEP.

Accordingly, I ask on behalf of these residents that the Council approach the local State Member of Parliament and the Roads Minister to re-open Pentecost Avenue (west), Pymble at Mona Vale Road to allow resident access?

Answer by Mayor

Thank you Councillor Hall, we will be happy to.

103 **Request for Written Analysis of Reasons for Euthanasia of Animals at Council's Animal Pound**

File: S02931

Question Without Notice from Councillor L Bennett

Could Councillors be supplied with a written analysis of the reasons for the euthanasia of animals at Council's Pound and also the policy and practices adopted at the Pound?

Answer by the Director Development & Regulation

That can be done.

104 **Request for Boosting the Audio in Council Chamber**

File: S04829

Question Without Notice from Councillor A Andrew

Would the Council please consider boosting the audio for the back of the Public Gallery?

Answer by the Mayor

Enhance the audio, a very good idea.

105 **Request for re-Opening Pentecost Avenue - Traffic Committee**

File: 88/05929/03

Question Without Notice from Councillor L Bennett

With respect to the request for the possible opening of Pentecost Avenue, could the matter be referred to Council's Traffic Committee?

Answer by the Mayor

Most certainly.

The Meeting closed at 7.41pm

The Minutes of the Ordinary Meeting of Council held on 28 March 2006 (Pages 1 - 43) were confirmed as a full and accurate record of proceedings on 4 April 2006.

General Manager

Mayor / Chairperson