

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 4 APRIL 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)  
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.

No interest was declared.

### **ADDRESS THE COUNCIL**

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

V Harris

### **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

Late Items: Memorandum by Senior Governance Officer dated 4 April 2006 regarding a Question Without Notice submitted by Councillor Anderson at the Ordinary Meeting of Council held on 28 March 2006 (*Vide Minute No 104 - Request for Boosting the Audio in Council Chamber*).

Refer GB.1: 12 to 18 Boyd Street, Turramurra - Memorandum by Director Development & Regulation dated 4 April 2006.

## **CONFIRMATION OF MINUTES**

### 106 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 27 March 2006 at 6pm

Minutes numbered EMC1 to EMC2

#### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

That Minutes numbered EMC1 to EMC2 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

### 107 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 27 March 2006 at 7pm

Minutes numbered EMC3 to EMC6

#### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

That Minutes numbered EMC3 to EMC6 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of diagrams which are to be checked.

**CARRIED UNANIMOUSLY**

### 108 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 28 March 2006

Minutes numbered 88 to 105

**Resolved:**

(Moved: Councillors Ebbeck/Lane)

That Minutes numbered 88 to 105 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with it being noted that the Question Without Notice under Minute No 104 was submitted by Councillor Anderson and with the exception of Minute No 105.

**CARRIED UNANIMOUSLY**

109 **Request for Re-Opening Pentecost Avenue – Traffic Committee**

File: 88/05929/03

*Vide Minute No 105*

Question Without Notice from Councillor L Bennett

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That Minute No 105 be adopted as printed.

**CARRIED UNANIMOUSLY**

**REPORTS FROM COMMITTEES****Minutes of Ku-ring-gai Traffic Committee**

File: S02110

Meeting held 23 March 2006

Minutes numbered KTC3 to KTC4

110 **General Matter Items under Delegated Authority**

File: S02738

*Vide Minute No KTC3*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Andrew)

That the information regarding traffic facilities approved in January, February and March 2006 under Delegated Authority, be noted.

**CARRIED UNANIMOUSLY**

111 **Ortona Road, Lindfield**

File: 88/05891/03

Ward: Roseville

Electorate: Ku-ring-gai

*Vide Minute No KTC4*

**The following member of the public addressed Council:**

**T Hargreaves**

To further consider traffic facilities at the intersection of Ortona and Westbourne Roads Lindfield.

**Resolved:**

(Moved: Councillors Lane/Andrew)

That the matter be deferred for further consideration by the next meeting of the Ku-ring-gai Traffic Committee.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

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

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File: S03537

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

**Resolved:**

(Moved: Councillors Ryan/Ebbeck)

That Council adopt the revised Investment Policy.

**CARRIED UNANIMOUSLY**

113     **12 to 18 Boyd Street, Turramurra - Demolition of 3 Dwelling Houses & Construction of 2 Residential Flat Buildings Comprising a Total of 47 Units & Basement Car Parking for 66 Vehicles**

File: DA1108/05

Ward: Comenarra

Applicant: Steve Donnellan

Owners: Jatinder Kumar Mukhi & Prem Mukhi, Dianne Loise Ellis, Mr John & Ellen Fahey

**The following members of the public addressed Council:**

**M Pymble**

**R Smyth**

**L Bryce**

**C Sainsbury**

To determine development application No 1108/05, which seeks consent for the demolition of 3 residential dwelling houses and construction of 2 residential flat buildings comprising a total of 47 units and basement car parking for 66 vehicles.

**Councillor Ryan withdrew during discussion**

**Resolved:**

(Moved: Councillors Andrew/Lane)

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

THAT the Council, as the consent authority, being satisfied that the objection under *State Environmental Planning Policy No. 1 - Development Standards* to clause 25(L) - Zone Interface of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the objectives of the zone would still be achieved, despite the non-compliance,

**AND**

That the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1108/05 is consistent with the aims of the Policy, grant development consent to DA 1108/05 for the demolition of three (3) dwellings and associated structures, and the construction of two residential flat buildings, comprising forty seven (47) units and basement parking, for a period of two (2) years from the date of the Notice of determination, subject to the following conditions:

**GENERAL**

1. The development to be in accordance with Development Application No 1108/05 and Development Application plans prepared by Jones Sonter Architects, reference numbers Project No.050301, DA02, 03 and 04, Issue I; DA05, 06, 07, 08 and 09, Issue H; Deep Soil Plans, SK20a and SK20b, Issue C; dated March 2005 and lodged with Council on 29 September 2005, and amended Landscape Plan by CAB Consulting and Craig Burton, drawing number TLI-05, dated 19 September 2005 and lodged with Council on 30 January 2006 (amended).
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. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. 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. 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.
19. 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 Occupation Certificate.
20. 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.

21. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
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. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
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. Material 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. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
38. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
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. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
  44. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
  45. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
  46. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
  47. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
  48. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
  49. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
  50. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
  51. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.

52. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
53. 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.
54. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
55. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
56. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
57. 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.
58. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
59. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction

Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

60. 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 must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
61. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any party or parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject property. It is the applicant's full responsibility to ensure that any rights-at-law are upheld. Council accepts no responsibility whatsoever, either now or in the future, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
62. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
63. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
64. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards

must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

65. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
66. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
67. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
68. 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.
69. If during the course of the development works, it becomes apparent that the drainage easement affecting the site is in use, then the applicant is to demonstrate that the development will not impact on the easement to the detriment of upstream properties or the future occupants of the subject development. This is in relation to the capacity of any systems or the obstruction of any overland flowpath.
70. Release of the Construction Certificate gives automatic approval to the removal only of those trees located on the subject property within the footprint of an approved new building/structure or within 3.0 metres of an approved new residence, measured from the centre of the trunk of the tree to the external wall

of the residence. Where this application is for a building/structure other than a residential building then only trees within the area to be occupied by this building/structure may be removed.

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

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

72. Landscape works shall be carried out in accordance with Landscape Drawing No TL1-05 prepared by CAB Consulting and dated 19 Sept. 2005 submitted with the Development Application, except as amended by the following:

- The proposed planting of *Brachychiton acerifolius* (Illawarra Flame Tree) is to be deleted and replaced *Angophora floribunda* (Rough Barked Apple) in the same locations and same pot size at planting.

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

74. 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

75. 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>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north east site corner in neighbouring property	5.0m

#7 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	3.0m
#8 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	5.0m
#9 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	5.0m
#10 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	4.0m
#11 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	5.0m
#19 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-east/Boyd St site boundary in neighbouring property	6.0m
#20 <i>Quercus robur</i> (English Oak) Adjacent to south-east/Boyd St site boundary in neighbouring property	3.0m
#22 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south east site corner in neighbouring property	6.0m
#23 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to south east site corner in neighbouring property	4.0m
#24 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south east site corner	3.0m
#25 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-east site corner in neighbouring property	3.0m
#27 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Boyd St site boundary	5.0m
#28 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern/Boyd St site boundary	4.0m
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southern/Boyd St site boundary	4.0m
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	5.0m
#33 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to northern site boundary in neighbouring property	4.0m



property

#36 *Jacaranda mimosifolia* (Jacaranda) 3.0m

Adjacent to northwest site boundary in neighbouring property

#37 *Pittosporum undulatum* (Native Daphne) 4.5m

Adjacent to northwest site boundary in neighbouring property

#38 *Pittosporum undulatum* (Native Daphne) 3.0m

Adjacent to northwest site boundary in the neighbouring property

#39 *Eucalyptus saligna* (Bluegum) 5.0m

Adjacent to western site corner

#40 *Eucalyptus saligna* (Bluegum) 5.0m

Adjacent to western site corner

#41 *Elaeocarpus reticulatus* (Blueberry Ash) 4.0m

Adjacent to western site boundary

#43 *Melaleuca quinquenervia* (Broad leaf paperbark) 3.0m

Boyd St nature strip

#44 *Melaleuca quinquenervia* (Broad leaf paperbark) 3.0m

Boyd St nature strip

#45 *Melaleuca quinquenervia* (Broad leaf paperbark) 3.0m

Boyd St nature strip

#46 *Melaleuca quinquenervia* (Broad leaf paperbark) 3.0m

Boyd St nature strip

#47 *Melaleuca stypheloides* (Prickly paperbark) 3.0m

Adjacent to southern site boundary

#48 *Melaleuca stypheloides* (Prickly paperbark) 3.0m

Adjacent to southern site boundary

#49 *Melaleuca stypheloides* (Prickly paperbark) 3.0m

Adjacent to southern site boundary

76. No mechanical excavation for the approved retaining wall adjacent to the northern site boundary shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
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#6 <i>Cinnamomum camphora</i> (Camphor laurel)	5.0m
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Adjacent to north-east site corner in neighbouring property

#7 <i>Cedrus deodara</i> (Himalayan Cedar)	3.0m
--	------

Adjacent to northern site boundary in neighbouring property

#8 <i>Cedrus deodara</i> (Himalayan Cedar)	5.0m
Adjacent to northern site boundary in neighbouring property	
#9 <i>Cedrus deodara</i> (Himalayan Cedar)	5.0m
Adjacent to northern site boundary in neighbouring property	
#10 <i>Cedrus deodara</i> (Himalayan Cedar)	4.0m
Adjacent to northern site boundary in neighbouring property	
#11 <i>Cedrus deodara</i> (Himalayan Cedar)	6.0m
Adjacent to northern site boundary in neighbouring property	

77. 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>Cinnamomum camphora</i> (Camphor laurel)	5.0m
Adjacent to north-east site corner in neighbouring property	
#7 <i>Cedrus deodara</i> (Himalayan Cedar)	3.0m
Adjacent to northern site boundary in neighbouring property	
#8 <i>Cedrus deodara</i> (Himalayan Cedar)	5.0m
Adjacent to northern site boundary in neighbouring property	
#9 <i>Cedrus deodara</i> (Himalayan Cedar)	5.0m
Adjacent to northern site boundary in neighbouring property	
#10 <i>Cedrus deodara</i> (Himalayan Cedar)	4.0m
Adjacent to northern site boundary in neighbouring property	
#11 <i>Cedrus deodara</i> (Himalayan Cedar)	5.0m
Adjacent to northern site boundary in neighbouring property	
#19 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
Adjacent to south-east/Boyd St site boundary in neighbouring property	
#20 <i>Quercus robur</i> (English Oak)	3.0m
Adjacent to south-east/Boyd St site boundary in neighbouring property	
#22 <i>Cedrus deodar</i> (Himalayan Cedar)	6.0m
Adjacent to south-east site corner in neighbouring property	

#23 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to south-east site corner in neighbouring property	4.0m
#24 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south east site corner	3.0m
#25 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south east site corner in neighbouring property	3.0m
#27 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Boyd St site boundary	5.0m
#28 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern/Boyd St site boundary	4.0m
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southern/Boyd St site boundary	4.0m
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	5.0m
#33 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to northern site boundary in neighbouring property	4.0m
#36 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northwest site boundary in neighbouring property	3.0m
#37 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northwest site boundary in neighbouring property	4.5m
#38 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to northwest site boundary in the neighbouring property	3.0m
#39 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site corner	5.0m
#40 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site corner	5.0m
#41 <i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to western site boundary	4.0m
#43 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#44 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#45 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#46 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#47 <i>Melaleuca stypheloides</i> (Prickly Paperbark)	3.0m

Adjacent to southern site boundary

#48 *Melaleuca stypheloides* (Prickly Paperbark) 3.0m

Adjacent to southern site boundary

#49 *Melaleuca stypheloides* (Prickly Paperbark) 3.0m

Adjacent to southern site boundary

78. 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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#23 <i>Pittosporum undulatum</i> (Native Daphne)	4.0m
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Adjacent to south-east site corner in neighbouring property

#24 <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
--	------

Adjacent to south-east site corner

#39 <i>Eucalyptus saligna</i> (Bluegum)	5.0m
---	------

Adjacent to western site corner

#40 <i>Eucalyptus saligna</i> (Bluegum)	5.0m
---	------

Adjacent to western site corner

79. 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.
80. The following tree species shall be planted as an evenly spaced avenue planting, at no cost to Council, in the nature strip fronting the property along Boyd St. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Nyssa sylvatica</i> (Tupelo)	5

81. 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.
82. 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
83. An archival report detailing the existing buildings on the site is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

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

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

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

- Each elevation of existing houses and 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.
- Site plan showing all structures and site elements.
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black & White archival quality photographs, 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.

84. The applicant shall provide an accurate survey locating the development with respect to the rail boundary end rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
85. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of detailed dilapidation reports may be required as a result.
86. An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with RailCorp Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.

87. The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk. The Applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.
88. The Applicant shall provide a Geotechnical Engineering report to RailCorp for review by RailCorps Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition and excavation-induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development
89. During all stages of the development environmental legislation and regulations will be complied with.
90. During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
91. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
92. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Rail Corp.
93. During excavation the Applicant is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the applicant/contractor would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.
94. To ensure that graffiti can be easily removed, solid fencing and/or retaining walls facing the rail corridor which could be vulnerable to graffiti are to be coated with anti-graffiti paint or other similar protective coating.
95. The existing common boundary fence is considered adequate and must remain intact throughout the construction works and thereafter. Should enhancements be desired RailCorp must be contacted to ensure adequate safety measures are taken whilst work is carried out.

96. The developer is required to enter into an agreement with rail defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring appropriate the appropriate safety and technical standards are complied with throughout the development.
97. The ground level courtyards facing the railway reserve shall have see through-type fencing to enable surveillance of the narrow common area between the courtyard perimeter and the site boundary.
98. Perpendicular projecting blade walls shall be provided to windows of units E6, E9, E10, E13, E14, E16, E17, E20, E21, E24, E25, E28, E29 and E31.
99. Prior to issue of the Construction Certificate, the applicant must consolidate the existing Torrens Title lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Department of Lands, must be submitted to the Principal Certifying Authority. This condition is imposed to ensure continuous structures will not be placed across boundaries.

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

100. 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.

101. 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).
102. 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.

103. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
104. 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 FORTY-FOUR (44) ADDITIONAL DWELLINGS IS CURRENTLY \$541, 727.52. 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	\$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

105. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans **approved by Council** engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Boyd Street:

- Details of the new vehicular crossing to allow satisfactory access to the driveway inside the property while maintaining sight distance along Jersey Street and preserving the three street trees, T19, T20 and T21. The plan is to include accurate existing and proposed ground levels.

This Development Consent under the EP&A Act does **NOT** give approval to these works in the road reserve. **Ku-ring-gai Council must issue a separate consent under section 138 and 139 of *The Roads Act 1993*** for the works in the road reserve, required as part of the development. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued the formal written consent under the *Roads Act 1993*.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). **Construction of the works must proceed only in accordance with any conditions attached to the stamped Council *Roads Act 1993* approval.**

A minimum of three (3) weeks will be required for Council to assess *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development

Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

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

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

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

107. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

108. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).

- Pipes are not to be laid within the Critical Root Zone of trees to be retained unless thrust bored.
- Stormwater management measures are not to require excessive soil level changes within the Critical Root Zone of trees to be retained.
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Water quality measures as required by DCP 47 Chapter 8.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
- Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

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

109. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
110. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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

Tree/Location	Radius From Trunk
#27 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Boyd St site boundary	5.0m
#28 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern/Boyd St site boundary	4.0m
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southern/Boyd St site boundary	4.0m
#43 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#44 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#45 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#46 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	3.0m
#47 <i>Melaleuca stypheloides</i> (Prickly Paperbark) Adjacent to southern site boundary	3.0m
#48 <i>Melaleuca stypheloides</i> (Prickly Paperbark) Adjacent to southern site boundary	3.0m
#49 <i>Melaleuca stypheloides</i> (Prickly Paperbark) Adjacent to southern site boundary	3.0m

112. 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.

113. A CASH BOND/BANK GUARANTEE of \$13 500.00 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
#9 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	\$2,000.00
#10 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	\$2,000.00
#11 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	\$2,000.00
#27 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Boyd St site boundary	\$1,000.00
#28 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern/Boyd St site boundary	\$500.00
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southern/Boyd St site boundary	\$1,000.00
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	\$1,000.00
#39 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site corner	\$1,000.00
#40 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site corner	\$1,000.00
#43 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	\$500.00
#44 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	\$500.00
#45 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Boyd St nature strip	\$500.00
#46 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)	\$500.00

Boyd St nature strip

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

114. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
115. Prior to commencement of demolition works, a geotechnical inspection report is to be submitted to the Principal Certifying Authority which addresses site stability in relation to the following matters:

- Access for demolition of No 12; and
- Stability of existing retaining structures during demolition.

The report is to be submitted to and approved by the Principal Certifying Authority, or Council if no PCA has been appointed.

116. Prior to the commencement of bulk excavation, a geotechnical investigation comprising three or more cored boreholes drilled to at least 1 metre below basement level is to be carried out. The report of this investigation is to be submitted to the Principal Certifying Authority, or Council if no PCA has been appointed. The report is to address the following matters:

- Excavation methods
- Excavation sequence
- Vibration trials and monitoring
- Potential for adverse jointing
- Dilapidation survey of neighbouring structures
- Stability of any existing retaining structures to remain
- Retaining structures, temporary and permanent, for support of adjoining properties
- Frequency of inspections during excavation
- Groundwater issues

Approval is to be obtained for the report prior to commencement of bulk excavation works, and works are to proceed on accordance with its recommendations.

117. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report submitted in accordance with another condition of this consent. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection as recommended in the above report(s) and as determined necessary,

- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
118. 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. 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.
119. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
  - That the locations of the rock anchors are registered with Dial Before You Dig.
  - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

120. Prior to the commencement of demolition works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the Hillview building adjacent to the northern boundary and any other structures identified in the geotechnical report.

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

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

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

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

**Traffic Control Plan(s) for the site:**

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:



- 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.
- Employee parking shall be provided in the basement as soon as practicable, with a timeframe included in the TMP for this.

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

122. 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.
123. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record** ) of the following public infrastructure:
  - Full road pavement width, including table drain and footpath, of Boyd Street over the site frontage.

- Any driveway crossings and laybacks opposite the subject site.

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

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

124. 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
#7 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	3.0m
#8 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	5.0m
#9 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	5.0m
#10 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	4.0m
#11 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	5.0m
#24 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south east site corner	3.0m
#27 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Boyd St site boundary	5.0m
#28 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern/Boyd St site boundary	4.0m
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to southern/Boyd St site boundary	4.0m
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	4.5m

- |  |      |
|--|------|
| #36 <i>Jacaranda mimosifolia</i> (Jacaranda)                           | 3.0m |
| Adjacent to northwest site boundary in neighbouring property           |      |
| #37 <i>Pittosporum undulatum</i> (Native Daphne)                       | 4.5m |
| Adjacent to northwest site boundary in neighbouring property           |      |
| #38 <i>Pittosporum undulatum</i> (Native Daphne)                       | 3.0m |
| Adjacent to northwest site boundary in the neighbouring property       |      |
| #39 <i>Eucalyptus saligna</i> (Bluegum)                                | 5.0m |
| Adjacent to western site corner  |      |
| #40 <i>Eucalyptus saligna</i> (Bluegum)                                | 5.0m |
| Adjacent to western site corner  |      |
| #43 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)              | 3.0m |
| Boyd St nature strip. Pedestrian access to be maintained at all times  |      |
| #44 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)              | 3.0m |
| Boyd St nature strip. Pedestrian access to be maintained at all times  |      |
| #45 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)              | 3.0m |
| Boyd St nature strip. Pedestrian access to be maintained at all times  |      |
| #46 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)              | 3.0m |
| Boyd St nature strip. Pedestrian access to be maintained at all times. |      |
| #47 <i>Melaleuca stypheloides</i> (Prickly Paperbark)                  | 3.0m |
| Adjacent to southern site boundary                                     |      |
| #48 <i>Melaleuca stypheloides</i> (Prickly Paperbark)                  | 3.0m |
| Adjacent to southern site boundary                                     |      |
| #49 <i>Melaleuca stypheloides</i> (Prickly Paperbark)                  | 3.0m |
| Adjacent to southern site boundary                                     |      |
125. 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.
126. 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.
127. 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.
128. 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.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

129. 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.
130. Without further written Consent of Council the development is to comply with the following indices:
- a. Maximum floor space ratio 1.38:1.
  - b. Number of resident car parking spaces – 54.
  - c. Number of visitor car parking spaces – 12.
  - d. Maximum built-upon area 50%.
  - e. Maximum height roof not to exceed RL 180.8.

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with a, b, e and f above prior to occupation.

131. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge

and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).

- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

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

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

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

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

134. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- That the as-constructed car park complies with the approved Construction Certificate plans;
- That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided;
- That finished driveway gradients and transitions will not result in the scraping of the underside of cars;
- That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.

That the vehicular headroom requirements of:

- Australian Standard 2890.1 - “Off-street car parking”;
- 2.44m height clearance for waste collection trucks (refer DCP 40), are met from the public street into and within the applicable areas of the basement car park.

135. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
- That retained water is connected and available for uses including toilet flushing, clothes washing and irrigation.
- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

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

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

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.

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

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

137. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
138. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
  - According the relevant Australian Standards and guidelines, and
  - According to any approved Geotechnical report undertaken for the development, and
  - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
139. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted before commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
140. 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 and infrastructure originally assessed.

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. If any of the structures have been demolished in the meantime under a separate approval, then no follow-up report is required.

141. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater 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 instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

142. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

143. Prior to issue of the Final Occupation Certificate, an easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to 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.



144. 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.
145. 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.

#### BUILDING CONDITIONS

146. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
147. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
  - a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

148. 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.

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

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the PROPOSED 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.

150. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

<b>Risers:</b>	<b>Maximum 190mm</b>	<b>Minimum 115mm</b>
<b>Going (Treads):</b>	<b>Maximum 355mm</b>	<b>Minimum 240mm</b>

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.

**CARRIED UNANIMOUSLY**

114 **27 Warrimoo Avenue, St Ives - Carport & Front Fence**

File: DA0984/05

Ward: St Ives

**The following member of the public addressed Council:**

**G Stott**

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

**Councillor Ryan returned during discussion**

**Resolved:**

(Moved: Councillors Lane/Bennett)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 984/05 for a detached double carport and front fence on land at 27 Warrimoo Avenue, St Ives, as shown on plans referenced Drawing No. 1 of 4, 2 of 4, 3 of 4 and 4 of 4, dated July 2005, drawn by North Shore Plan Service for the following reasons:

1. The proposed double carport forward of the existing dwelling house and the front fence result in an adverse streetscape impact.

***Particulars***

- i) The proposal will result in an intrusive structure positioned too close to the street front that will be unsympathetic to the natural and built environment in this location.
- ii) The proposed carport, being located 5.75m from the front boundary, fails to comply with the minimum front setback requirement of 12m as prescribed by clause 5.1.3 of Development Control Plan 38.
- iii) The proposed carport, being located 1m from the southern side boundary, fails to comply with the setback requirement of 1.8 metres as prescribed by Clause 5.1.3 of Development Control Plan No.38. The non-compliance prevents adequate screen landscaping being provided along the side boundary.
- iv) The proposed carport would reduce the setback from the street alignment which contradicts the design requirements set out in clause 5.5.3 and 5.5.4 of DCP38.
- v) The proposal fails to comply with clause 5.5.4 of DCP in that it provides car parking forward of the building line.
- vi) The proposed front fence fails to comply with clause 5.1.5 of DCP in that it is inconsistent with the streetscape character and detracts from the visual character of the locality.

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

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

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

(Moved: Councillors Hall/Anderson)

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

THAT the Council, as the consent authority, grant development consent to DA 984/05 for a carport and front fence on land at 27 Warrimoo Avenue, St Ives, 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 984/05 and Development Application plans prepared by North Shore Plan Service, reference number Sheet 1 of 4 to Sheet 4 of 4, dated July 2005 and lodged with Council on 7 September 2005.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that authority's by-laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The 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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
13. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
14. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *“Traffic Control Devices for Work on Roads”*. **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

15. 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”.
16. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.
17. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council’s Tree Preservation Order.
18. 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.
19. Construction shall comply with AS3959-1999 level 2 ‘Construction of Buildings in bushfire prone area.
20. The structure shall incorporate gutterless roofing or leafless guttering to prevent the build up of flammable material.
21. The entire property shall be managed as an ‘Inner Protection Area’ as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
22. Reticulated water supply shall comply with AS241 9. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
23. All fencing within or bounding the APZ or within 10m of the dwelling shall be constructed of non-flammable materials.

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

24. 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).

25. 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.
26. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
27. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

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

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

### **CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING**

28. 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.

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

Tree/Location	Radius in Metres
<i>Syncarpia glomulifera</i> (Turpentine)	2m along south side of
Along front boundary	trees and 4m from northern side of tree

30. 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.

### **CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE**

31. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:

- a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
- b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or



turfed verge and/or kerb and gutter to the satisfaction of Council.  
Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

- c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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

### **CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION**

32. 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.
33. The front fence is not characteristic of the overall streetscape of Warrimoo Avenue and detracts from the visual character of the locality. Therefore, the proposed front fence is to be deleted from the development application.

**Council adjourned for a short interval at 8.20pm  
after a Motion moved by Councillors Ryan & Ebbeck was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 8.56pm**

Those present were:

The Mayor, Councillor Malicki  
Councillor Andrew  
Councillor Bennett  
Councillor Hall  
Councillor Cross  
Councillor Ebbeck  
Councillor Shelley  
Councillor Anderson  
Councillor Lane  
Councillor Ryan

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**115 **Stationmaster's Cottage in Roseville**

File: S03309

**The following member of the public addressed Council:**

**J Daley**

**Notice of Motion from Councillor M Shelley dated 27 March 2006.**

I move:

"That an amendment to the scheduled use of the Stationmaster's Cottage in Roseville located on Pacific Highway, Roseville be drafted by staff and a report be brought back to Council to allow for retail and/or commercial use of the site under the KPSO other than garden store or as an amendment to the draft Town Centres LEP, and that such a report be brought back to Council within one month."

**Resolved:**

(Moved: Councillors Ryan/Lane)

That the Town Centres LEP for Roseville Centre incorporate appropriate rezoning of the Stationmaster's Cottage.

**CARRIED UNANIMOUSLY**

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

(Moved: Councillors Shelley/Anderson)

- A. That the above Notice of Motion as amended be adopted.
- B. The report to include a mechanism whereby the owner of the land would contribute to any associated costs.

**QUESTIONS WITHOUT NOTICE****116 NSW Fire Brigade Contribution Levy**

File: S02653

Question Without Notice from Councillor I Cross

Could the General Manager or the Acting Director Finance make representation to the appropriate Government departments and authorities in relation to the NSW Fire Brigade Contributions levied to Ku-ring-gai?

Such representation was made some years ago without success. I am told that the levy is based on the value of properties in the Local Government area. With valuations in Ku-ring-gai almost doubling without some reduction, we could be paying in excess of \$3,000,000 next year.

If it is at all possible, could we have a table showing the number of call-outs in Ku-ring-gai compared with other metropolitan Councils?

**Answer by the General Manager**

The Acting Director will do that.

**117 Zero-Tolerance Graffiti Management**

File: S04840

Question Without Notice from Councillor M Shelley

Would the Director Technical Services examine the City of Casey's approach to zero-tolerance graffiti management and report to Council the appropriateness of such a policy for Ku-ring-gai?

**Answer by the Mayor**

The Director will report.

118 **Request a Report on Total Number of Approved Dual Occupancies**

File: S02501

Question Without Notice from Councillor N Ebbeck

Could the General Manager please provide a report on the total number of Dual Occupancies approved not including those under subdivision for the past 3 years in year quantities, by Ward?

**Answer by the Mayor**

That can be done.

119 **Request for Approved Dual Occupancy Land Sizes**

File: S02501

Question Without Notice from Councillor N Ebbeck

Could the General Manager please provide approval details of the land size of each approved dual occupancy prior to subdivision in the last 3 years assorted in land sizes by Ward?

**Answer by the Mayor**

The Director will report.

120 **Warrimoo Oval Off-Leash Park Trial**

Files: S02038, S03449

Question Without Notice from Councillor T Hall

I refer to the Petition accepted under Minute No 91 and ask the General Manager would he provide the petitioners in writing an acknowledgement of their petition (usually addressed to the head petitioner, in this case, Mrs Cunliffe) and a copy of Council's resolution - Minute No 100/06 to be included in that correspondence please, copying the Ward Councillors?

**Answer by the Mayor**

We will reply to the head petitioner.

121 **Minute No 105 of 2006 - Mona Vale Road**

File: 88/05929/03

Question Without Notice from Councillor T Hall

I ask whether your reply to Councillor Bennett's Question to refer the possible opening of Pentecost Avenue can be implemented, the matter being entirely under RTA control and cannot be referred to the KTC.

Could the Director Technical Services confirm this?

**Answer by the Director Technical Services**

In essence, you can actually take the matter to the KTC for consideration but the RTA don't require a Council to take any matters that relate to anything on main roads to the KTC. They don't mind you raising the issue but they won't debate the issue or anything like that because those matters have to refer directly to the RTA.

122 **Address Council - Appropriateness in Terms of Content**

File: S02211

Question Without Notice from Councillor A Ryan

Could the General Manager please advise the Mayor and Councillors with clarification of what is appropriate in terms of content when members of the public address Council? Could this advice be given in consideration of the notice provided to members of the public on this subject?

**Answer by the Mayor**

The General Manager will advise.

123 **Pentecost Avenue**

File: 88/05929/03

Question Without Notice from Councillor L Bennett

If Council wishes to adopt a policy position with respect to the possible opening of Pentecost Avenue, would a referral to the Traffic Committee be an aid to that?

**Answer by the Director Technical Services**

The usual position in regards to anything relating to main roads, in this particular case, it would relate to the RTA because the opening would involve changes to the signals at that intersection. The usual procedure is to write to the RTA in the case & referral to the Traffic Committee is usually frowned upon based on previous advice by the RTA.

124 **Addressing Council**

File: S02211

Question Without Notice from Councillor A Ryan

Could Council's legal adviser, Mr Taylor, please advise whether naming a Council Officer, who is not present, while addressing Council could be considered defamatory?

**Answer by the General Manager**

We will take that on notice and the report by the Corporate Lawyer will take into account the context of whether or not it was a 'political' discussion.

*The Meeting closed at 10.04pm*

The Minutes of the Ordinary Meeting of Council held on 4 April 2006 (Pages 1 - 54) were confirmed as a full and accurate record of proceedings on 20 April 2006.

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General Manager

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Mayor / Chairperson