

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 7 DECEMBER 2004

- Present: The Mayor, Councillor A Ryan (Chairperson)(Gordon Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillor T Hall (St Ives Ward)
Councillor N Ebbeck (Wahroonga Ward)
Councillor M Shelley (Roseville Ward)
Councillor M Lane (Gordon Ward)
- Staff Present: General Manager (Brian Bell)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning (Leta Webb)
Manager Strategic Planning (Antony Fabbro)
Director Technical Services (Greg Piconi)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.25pm

The Mayor offered the Prayer

584 **APOLOGIES**

File: S02194

Councillors I Cross (family commitment) and M Shelley (illness) tendered apologies for non-attendance and requested leave of absence.

NOTE: Councillor G Innes AM had previously been granted leave of absence from this Council meeting (see Minute No 583).

Resolved:

(Moved: Councillors Andrew/Lane)

- A. That the apologies by Councillors I Cross and M Shelley for non -attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

(Moved: Councillors Lane/Ebbeck)

- B. That the apology by Councillor M Lane (family commitment) for non -attendance at the Council meeting of 14 December 2004 be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATION OF PECUNIARY INTEREST

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

The Mayor, Councillor A Ryan and Councillor M Lane declared a pecuniary interest in item – NM.1 – Notice of Rescission re 657 to 661 Pacific Highway, Killara – Draft LEP 202 (financial contributions to election campaign).

585 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Ebbeck)

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

C.1 **Panel of External Providers of Legal Services -** *(Section 10A(2)(g) - Advice concerning litigation)*

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

B Coleman

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:

Refers GB.9: Application to Amend the KPSO in Relation to Exclusion of Vulnerable Communities in Bushfire Prone Areas – Memorandum from Director Planning dated 6 December 2004 re amendment to recommendation

CONFIRMATION OF MINUTES

586 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 23 November 2004
Minutes numbered 556 to 583

Resolved:

(Moved: Councillors Hall/Ebbeck)

That Minutes numbered 556 to 583 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 574.

CARRIED UNANIMOUSLY

587 **Draft Local Environmental Plan 202 – 657 to 661 Pacific Highway, Killara**

File: S02029
Vide Minute No 574

Resolved:

(Moved: Councillors Malicki/Hall)

That Minute No 574 be adopted as printed.

CARRIED UNANIMOUSLY

PETITIONS

588 **Support UTS Kuring-gai being maintained as a UTS University Campus - (Fifty-Nine [59] Signatures)**

File: S03664

"We, the undersigned:

1. Support UTS Kuring-gai being maintained as a UTS University Campus.
2. Do not support the sale of the campus for residential or other development.
3. Recognise the environmental and heritage value of the UTS Kuring -gai campus and the value that the campus provides for the local community."

Resolved:

(Moved: Councillors Lane/Hall)

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

CARRIED UNANIMOUSLY

589 **134 - 138 Eastern Road, Wahroonga - Proposed Earthworks - (Seventy-One [71] Signatures)**

File: DA1163/03-3

"We, the undersigned, believe that all of the plans so far submitted for an entranceway off Eastern Road to the above site are unacceptable. We feel that an entranceway on Eastern Road will cause irreversible damage to the environment, heritage values and character of our area. The loss of trees, the loss of the "bushland" atmosphere, the introduction of large retaining walls, the lack of screening to the new development and the introduction of a median strip on Eastern Road are all out of character to the area and unacceptable to the residents. We consider that an entrance off Burns Road, in the location of the current cross over and letterbox, would be a better solution for all parties and should be thoroughly investigated, in consultation with the residents, prior to any final decision.

We also petition the Council to reconsider the question of the addition of land to widen the narrow section of the Turiban Creek Reserve, a proposal of long standing and incorporated in the original Planning Scheme for Ku-ring-gai. Such addition was previously proposed as the developer's contribution to Open Space and recreation to be dedicated upon subdivision."

Resolved:

(Moved: Councillors Ebbeck/Hall)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 25 November 2004

Minutes numbered KTC28 to KTC31

590 **General Matter - Items under Delegated Authority**

File: S02738

Vide Minute No KTC28

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in October/November 2004 under Delegated Authority, be noted.

CARRIED UNANIMOUSLY

591

Meeting Dates 2005

File: S02110

Vide Minute No KTC29

To determine Ku-ring-gai Traffic Committee meeting dates for 2005.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the Ku-ring-gai Traffic Committee meetings in 2005 be scheduled for the date s shown below:

3 February
17 March
21 April
26 May
23 June
21 July
25 August
22 September
20 October
24 November

CARRIED UNANIMOUSLY

592

Ada Avenue, Wahroonga

File: 88/05009/03

Ward: Comenarra

Electorate: Ku-ring-gai

Vide Minute No KTC30

To consider removal of the flat-topped threshold in Ada Avenue near Pacific Highway.

Resolved:

(Moved: Councillors Lane/Ebbeck)

- A. That Council note the safety implications of the existing narrow raised flat topped device and the advertising being undertaken for its removal.
- B. That the flat topped threshold be approved for removal, subject to no substantial issues being raised during current advertising, which are considered by Director Technical Services, to warrant retention of the device.
- C. That Wahroonga Chamber of Commerce, Abbotsleigh and UPA be advised of Council's decision.

CARRIED UNANIMOUSLY

593 **Melbourne Road at Tryon Road, Lindfield**

File: 88/05775/03

Ward: Roseville
 Electorate: Davidson
Vide Minute No KTC31

To consider responses to advertised right turn restriction and the RTA's response regarding signals.

Resolved:

(Moved: Councillors Lane/Ebbeck)

- A. That Council note:
 - 1. The overall community support for proposed school peak period 'No Right Turn' restrictions from Melbourne Road into Tryon Road, and that a TMP has been approved by the RTA in relation to the restriction.
 - 2. The RTA's concurrence to the requested restriction is for the restriction to apply during standard peak school periods of 8.00-9.30am and 2.30-4.00pm, buses excepted, on school days only.
- B. That in accordance with RTA's approval of Council's Traffic Management Plan for the proposed No Right Turn restriction from Melbourne Road into Tryon Road, that the restriction which is for 8.00am-9.30am and 2.30pm-4.00pm, buses excepted, on school days only, be signposted and that the restriction be accompanied by 'Changed Traffic Conditions Ahead' signs on each approach for a minimum of 14 school days.
- C. That the school and residents previously consulted by letterbox drop, be informed of Council's decision and the reason for the periods that the restriction would apply.
- D. That additional peak period No Parking restrictions in Wellington Road near Melbourne Road to accommodate the additional turning traffic be investigated.

CARRIED UNANIMOUSLY

594 **Minutes of Inspections Committee**
File: S02131
Meeting held 27 November 2004
Minutes numbered INS21 & INS22

Resolved:

(Moved: Councillors Malicki/Andrew)

That Minutes numbered INS21 & INS22 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with it being noted that Councillor Andrew was in attendance and Councillor Shelley did not attend.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

595 **143 - 145 Pentecost Street, Turramurra - Child Care Centre**

File: 1692/03

Ward: Wahroonga
Applicant: T. Vincent
Owner: J. & N. Fung

Determination of a Development Application for a child care centre.

Resolved:

(Moved: Councillors Lane/Ebbeck)

- A. That consideration of Development Application No 1692/03 for retention and conversion of part of an existing dwelling for use as a child care centre with associated additions and alterations on land at 143 to 145 Pentecost Street, Turramurra be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

596

1A Kalang Avenue, Killara - S96 - Deletion of Building Footprint and Setbacks as conditioned in Consent to DA 3702/93

File: DA3702/93

Ward: Gordon

Applicant: Paul Williams

Owner: Paul Williams

To determine S96 application to delete two conditions of consent requiring future development on the site to adhere to building footprint and setback requirements as shown on the approved plans.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That consideration of S96 application for deletion of building footprint and setbacks as conditioned in consent to Development Application No 3702/93 at 1a Kalang, Killara be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

597

1A Kalang Avenue, Killara - Erection of a New Dwelling House

File: DA0319/04

Ward: Gordon

Applicant: Paul Williams

Owner: Paul Williams

To determine development application No. 319/04, which seeks consent for the erection of a new dwelling on the subject property.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That consideration of Development Application No 0319/04 for the erection of a new dwelling house at 1a Kalang, Killara be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

71 Beechworth Road, Pymble - Detached Dual Occupancy

File: DA0406/04

Ward: Comenarra

Applicant: S & P Kapar, C/- Glendinning Minto and Associates Pty Ltd

Owner: S & P Kapar

Determination of an application for a detached dual occupancy development.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That consideration of Development Application No 0406/04 for demolition of existing dwelling, swimming pool, metal garden shed, timber outbuilding and construction of a detached dual occupancy development at 71 Beechworth Road, Pymble be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

29 Miowera Road, North Turramurra - Subdivision of One (1) Allotment to create Four (4) Allotments

File: DA0440/04

Ward: Wahroonga

Applicant: Lindsay Little & Associates Pty Ltd.

Owner: K. & L. Myles

Determination of a Development Application for the subdivision of 29 Miowera Road, North Turramurra

Resolved:

(Moved: Councillors Lane/Ebbeck)

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

THAT the Council, as the consent authority, is of the opinion that the objections under *State Environmental Planning Policy No. 1 – Development Standards* to Clauses 58B 3(c)(iii) and 58B 3(c)(i) of the Ku-ring-gai Planning Scheme Ordinance are well founded. The Council is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as Lot 11 is of sufficient width to accommodate residential development in general accordance with Council requirements. The proposed access corridor is of sufficient width to provide for the safe and efficient movement of vehicles associated with the allotments and there will be no undue impact on streetscape or landscape character and amenity.

AND

THAT the Council, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA 0440/04 is consistent with the aims of the Policy, grant development consent to DA 0440/04 for Torrens title subdivision of one allotment into four on land at 29 Miowera Road, North Turrumurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development must be carried out in accordance with plans numbered 9136 ~ 2B2, dated 21 October 2004, drawn by N.K. Bennett & O'Donnell, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
3. 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.
4. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of, the stream without the prior issue of a Part 3A permit by DIPNR.
5. Any Part 3A permit so issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance, have been satisfactorily completed in accordance with the permit conditions.
6. If, in the opinion of a DIPNR officer, any activity is being carried-out in such a manner that it may damage or detrimentally affect the stream, such activity shall cease immediately, and any restoration carried out, upon oral or written direction of such officer.
7. Work as executed survey plans of a standard acceptable to DIPNR shall be provided to DIPNR upon request.
8. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and as directed by DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.
9. Operations shall not cause damage or increase erosion of the adjacent stream bed or banks. The permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the stream bed or banks.
10. Any vegetation or other material removed from the area of operations shall be disposed of so that the material cannot be swept back into the stream during a flood.

11. When the works are to cease, DIPNR is to be notified in writing one month in advance of the cessation of the operation.
12. Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the 3A permit.
13. All works proposed must be designed, constructed and operated so they do not cause erosion, sedimentation, or increase flood levels in the watercourse, and do minimise adverse impacts on aquatic and riparian environments.
14. Work is to be carried out in accordance with drawings and any management plans required by these conditions, and approved by DIPNR, and which will accompany the 3A Permit.
15. Detailed designs and the location of proposed stormwater outlets and any necessary scour protection works are to be prepared and implemented by a person(s) with relevant knowledge, qualifications and experience. The stormwater outlet design must comply with the DIPNR guideline, Stormwater Outlet Structures to Streams (Attachment A) to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of the Part 3A Permit.
16. Any other services, utilities or infrastructure not shown on the submitted plans including unforeseen roads or other access, cycleways, drainage works, crossings, communications, water, electricity or gas supply that involves excavations on "Protected Land" (as defined in the Rivers and Foreshores Improvement Act, 1948) or that may effect flows, are not to be implemented without the prior approval of DIPNR.
17. A Soil and Water Management Plan (S&WMP) for all site works is to be prepared by a person(s) with relevant knowledge, qualifications and experience in the preparation of such plans, in consultation with, and with the approval of DIPNR prior to the issue of the Part 3A Permit. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
18. A Vegetation Management Plan (VMP) is to be prepared a person(s) with relevant knowledge, qualifications and experience, in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit in accordance with, but not limited to DIPNR guidelines on How to prepare a Vegetation Management Plan (Attachment B). The VMP is to fully address all issues relating to the protection, establishment and maintenance of the riparian zone. Details must also be provided on the method, timing and cost of implementing the VMP, the decommissioning of any temporary soil and water management controls and the rehabilitation of the affected areas.
19. A riparian zone, consisting of local native plant species, is to be established along all watercourses on the Site where they are adjacent to disturbed areas. The extent of the riparian zones required is as follows:

- An minimum of 5 metres measured horizontally and at right angles to the flow from the top of the bank, on both sides of the creek within the property boundary.

The aim of establishing riparian zones is to create a continuous native vegetation corridor to ensure bed and bank stability and to mitigate any adverse impacts of the proposed development on the streams. The riparian zone is to be addressed in the Vegetation Management Plan, in consultation with, and with the approval of DIPNR.

20. The riparian zone is to consist of a diverse range of native plant species local to the area and is to be densely planted and fully structured (ie trees, shrubs and groundcovers). Trees and shrubs are to be planted at approximately equal numbers at an average density of one plant per square metre. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to trees and shrubs.
21. The area covered by the Vegetation Management Plan must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment.
22. Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs, based on predicted velocities and scour potential, are to be prepared by, and implemented under the supervision of, a person with relevant knowledge, qualifications and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR.
23. All permanent rock scour protection must consist of hard and durable run-of-quarry rock, sized to resist predicted scour velocities. Rock must be angular and blocky rather than flat, to ensure a good “bind” and to resist negative hydraulic pressure. Rock is to be placed over a 200mm deep layer of 140mm median size angular cobbles over geotextile to prevent erosion of underlying fine bed sediments and to facilitate placement.
24. All finished rock rip-rap surfaces are to be rough, and evenly aligned with the adjoining bed, bank and floodplain profile and must not reduce the capacity of protected waters in any way.
25. All rock and cobbles installed for scour protection are to be packed with topsoil and the crevasses in the rip-rap planted with local native sedges and rushes, to further stabilise the works and to increase riparian zone values and functions.
26. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless shown on plans approved by DIPNR.
27. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by DIPNR. Stabilisation works consisting of soft-engineered designs are to be undertaken as required,

after seeking advice and approval from DIPNR, if there are signs of erosion or instability of protected waters.

28. All works within protected waters must be consistent with the requirements of NSW Fisheries.
29. As a pre-condition to the granting of the Part 3A Permit, cash or a bank guarantee from any bank licensed pursuant to the Banking Act 1959 (Cth) may be required to be provided in favour of DIPNR, for an amount equal to the cost of rehabilitation in accordance with the Vegetation Management Plan, required by condition 16 and subject to the approval of DIPNR. If a bank guarantee is to be provided it must be in the format of Attachment C. The moneys will be held until such time as the plan and any specified maintenance period are complete. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of restoration. DIPNR may at any time, and more than once and without notice to the Permit holder, demand all or part of the moneys available under the bank guarantee, if in its opinion, the Permit holder has failed at any time to meet the performance criteria set out in the Plan.
30. All erosion and sediment control measures are to be implemented and maintained, during the course of the works, and for as long as necessary after the completion of earthworks, to prevent sediment and dirty water entering the river system.
31. 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.
32. 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.
33. 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.

34. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
35. 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.
36. Stormwater runoff from new or existing hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
37. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
38. The provision of drainage infrastructure to each proposed lot, generally in accordance with the Concept Stormwater Drainage Plan, AFCE Environment + Building Drawing 343448/D2, dated Apr 04, but also including the stormwater quality control measures described in section 8.3.1 of Councils Water Management Development Control Plan 47.
39. 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.
40. The provision of temporary sediment and erosion control facilities in accordance with the approved Environmental Site Management Plan and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
41. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer

extensions can be time consuming and may impact on other services and building, driveway or landscape design.

42. 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.
43. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sand stone geology sites.
44. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

No./Tree/Location

51 / *Camellia sasanqua* (Chinese Camellia) / Adjacent to the south-eastern side of the driveway and RL 140.09.

45. No mechanical excavation for the approved DRIVEWAY RETAINING WALL 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:

No./Tree/Location

Radius From Trunk

51 / *Camellia sasanqua* (Chinese Camellia) 3 metres
Adjacent to the south-eastern side of the driveway and RL 140.09.

46. 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.
47. 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.
48. The creation of a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the area of land beneath the canopy of the following tree/s for a specified radius in metres from the trunk of that tree, the terms of which state that any excavations, soil level changes or construction works are prohibited with the exception of any driveway as approved by Council:

No./Tree/Location

Radius in Metres

1 / *Eucalyptus saligna* (Sydney Blue Gum) 9 metres
Adjacent to the central eastern boundary of Lot 14.

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

49. 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.

50. Design details for the proposed driveway, including certification by the designing engineer that the pavement will be adequate for construction vehicles associated with future development of the lots, are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The vehicular crossing and driveway are to be 5.5 metres minimum for a distance of 6 metres from the road frontage, and passing opportunities are to be provided generally every 30 metres as recommended in AS2890.1-2004 Off street car parking.
51. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Site Environmental Management Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
52. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The

property drainage system shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with future necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.

53. Permanent stormwater quality control measures shall be provided in accordance with Section 8.3.1 of Council's Water Management DCP 47 (available on the Council website). Details shall be provided to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
54. 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.
55. 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.
56. 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 TWO (2) ADDITIONAL ALLOTMENTS IS CURRENTLY \$49,838.88. 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 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space -Wahroonga	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

57. 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.
58. 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.
59. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed DRIVEWAY shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area.

The fence/s shall be maintained intact until the completion of all demolition/building work on site:

No./Tree/Location	Radius From Trunk
46 / <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to the outside of the driveway's first bend from the Miowera Road boundary.	6 metres
51 / <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to the south-eastern side of the driveway and RL 140.09.	3 metres
54 / <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Cripps Cypress) Adjacent to the south-eastern side of the driveway RL's 138.84 and 138.19.	4 metres
56 / <i>Callicoma serratifolia</i> (Black Wattle) Adjacent to the south-eastern side of the driveway and RL 138.19.	2 metres

60. 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.

Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 94 18 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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 THE ISSUE OF A SUBDIVISION CERTIFICATE

61. Construction of the stormwater management measures and driveway access to each lot is to be completed prior to release of the linen plan/ issue of the subdivision certificate. The designing engineer is to certify that the works have been constructed in accordance with the approved plans. Certification and a works-as-executed plan(s) is to be submitted to and approved by the Principal Certifying Authority prior to release of the linen plan.
62. Prior to release of the linen plan/issue of the subdivision certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.
63. The applicant is to create a Positive Covenant and Restriction-on-Use on the title of the subject property under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the riparian zone recommended by the Department of Infrastructure, Planning and Natural

Resources (DIPNR). The restriction is to be over a zone which is a minimum of 5 metres measured horizontally and at right angles to the flow from the top of the bank of the watercourse within the property. The terms of the instruments are to be to the satisfaction of DIPNR. DIPNR is to be named as the authority whose consent is required to release, vary or modify the restriction.

64. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.
65. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and copies:
 - a. The endorsement fee current at the time of lodgment,
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of all works-as-executed plans required under the consent,
 - d. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - e. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

66. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
67. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
68. Prior to release of the linen plan/issue of the subdivision certificate, separate underground electricity, gas, telstra, sewer and water services, or appropriate conduits for the same, shall be provided to each allotment. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas, Telstra, sewer and water.

69. Lot numbers 11, 12, 13 and 14 shall support a minimum number of 7 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing trees, and additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council and approved by Council's Landscape Development Officer. Tree planting shall be completed prior to release of the Certificate of Subdivision.
70. The 7 tree/s to be planted within Lot 12 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.

To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 50% of the tree plantings shall be selected from the Sydney Sandstone Gully Forest assemblage of vascular plants (included) as the site is located between 100 and 300 metres from bushland.

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

Plant Species

Ageratina adenophora (Crofton Weed)
Ageratina riparia (Mist Weed)
Asparagus densiflorus (Asparagus Fern)
Cinnamomum camphora (Camphor laurel)
Cortaderia selloana (Pampas grass)
Cotoneaster sp. (Cotoneaster)
Erigeron karvinskianus (Seaside Daisy)
Hedychium gardnerianum (Ginger lily)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Raphiolepis indica (Indian Hawthorn)
Rubus fruticosus (Blackberry)
Senna pendula (Cassia)
Tradescantia albiflora (Wandering Jew)

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

Against the Resolution: *Councillor Malicki*

62A to 64A Killeaton Street, St Ives - Supplementary Report

File: DA0458/04

To address matters raised at the site inspection of 13 November 2004 and for Council to determine a Development Application for the demolition of existing structures and construction of a Seniors Living development of 10 units.

Resolved:

(Moved: Councillors Lane/Malicki)

That Council, as the consent authority, grant development consent to DA0458/04 for the demolition of the existing structures on site, the construction of a SEPP (Seniors Living) 2004 development comprising 10 units, and strata subdivision of the resultant dwellings, on land at 62A-64A Killeaton Street, 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.0458/04 and Development Application plans as follows:

Fortey and Grant Architecture, reference:

DA01 Amendment B, Site Plan, dated 12.08.04, received 13.08.04

DA02 Amendment D, Basement Plan, dated 15.09.04, received 15.09.04

DA03 Amendment C, Ground Floor Plan, dated 12.08.04, received 13.08.04

DA04 Amendment A, First Floor Plan, dated 27.04.04, received 06.05.04

DA05 Amendment B, Second Floor Plan, dated 12.08.04, received 13.08.04

DA06 Amendment B, Roof Plan, dated 12.08.04, received 13.08.04

DA07 Amendment B, Elevations, dated 12.08.04, received 13.08.04

DA08 Amendment B, Sections, dated 11.08.04, received 13.08.04

Kneebone and Beretta, reference:

56979-2, Concept Drainage Plan, dated 04.05.04, received 06.05.04.

and sample board materials of bricks and tiles as submitted, except as where amended by the following conditions.

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. 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.
4. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a

drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.

5. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
6. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
7. For safety purposes, depth markers shall be provided at both ends of the pool.
8. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
9. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
10. A balustrade shall be provided where the pool concourse stands more than 1.0 metre above the finished ground level.
11. To maintain the existing ground levels all spoil shall be removed from the site. Sites shall not be re-shaped, re-contoured, nor the levels on any part of the site altered without the consent of the Council being obtained beforehand.
12. To ensure structural stability wherever the soil conditions so require, a retaining wall or other approved method of preventing the movement of soil shall be provided and adequate provision shall be made for drainage.
13. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
14. To ensure compliance with the Swimming Pools Act, 1992, the existing boundary fence, forming part of the safety fencing to enclose the pool shall be upgraded or otherwise so altered or reconstructed so as to comply with the provisions of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools". The overall height of the dividing fence is not to exceed 1.8

metres in height above the natural ground level. Attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owners which may arise in respect of this matter and enquiries in this regard may be made at the nearest Local Court.

15. 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.
16. 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.
17. **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.

18. 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.
19. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
20. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
21. 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.
22. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
23. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
24. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
25. 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.
26. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

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

32. 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.

33. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
34. 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.
35. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
36. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
37. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
38. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
39. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.

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

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
45. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
46. "Peep holes" shall be provided to the entrance doors of all units for personal security.
47. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefitting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
48. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
49. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and

connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.

50. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
51. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
52. 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.
53. 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.
54. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
55. 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".
56. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

57. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
58. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
59. Stormwater quality control measures, as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
60. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

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

61. 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.
62. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
63. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	6 metres

64. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.

65. Prior to the issue of the Construction Certificate, the applicant shall submit for approval of the Principal Certifying Authority, documentary evidence demonstrating that the Plan of Consolidation of Lots 103, 104, 105 in DP263569 has been registered at the Department of Lands.
66. The private courtyards to Dwellings 2.01 and 2.02 are to be limited to the area as identified on plan *DA03 Amendment C*. The remainder of the area is to be available as common property as shown on the plan, with the path providing access to the area being made accessible in accordance with AS 1428. Details are to be provided for approval with the construction certificate.
- 66A The existing sandstone used in the construction of the retaining wall at the rear of 62A Killeaton Street shall be recycled and reused elsewhere on site.

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

67. 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.

68. 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).
69. 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.

70. 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.

71. 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 SEVEN (7) ADDITIONAL DWELLINGS/LOTS IS CURRENTLY \$84, 828.10. 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 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - St Ives	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

72. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

73. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.

The landscape plan shall include the following amendments;

- The landscape plan shall comply with the approved drainage details.
- In accordance with Council's Tree Replenishment Policy at least 10 trees that attain a height of 13 metres are required.

74. The property shall support a minimum number of 24 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

75. The 10 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.

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

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

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

77. A CASH BOND/BANK GUARANTEE of \$6,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Eucalyptus saligna (Sydney Blue Gum)
/Adjoining property No. 56 – 58 Killeaton Street, adjacent to the north-western boundary

2 x *Liquidambar styraciflua* (Liquidambar)
/South-western corner

Araucaria heterophylla (Norfolk Island Pine)
/South-western corner

3 x *Nyssa sylvatica* (Tupelo)
/Southern boundary adjacent to Units 2.01 & 2.02

2 x *Ulmus glabra* 'Lutescens' (Golden Elm)
/Southern boundary adjacent to Unit 2.01.

Taxodium distichum (Swamp Cypress)
/Centre of southern boundary

Tilia cordata (Small-leafed European Linden)
/South-eastern corner

Cedrus deodara (Himalayan Cedar)
/Northern boundary, adjacent to Unit 2.01

Castanospermum australe (Moreton Bay Chestnut)

/Adjacent to driveway entrance

Macadamia tetraphylla (Macadamia)

/Adjacent to driveway entrance

78. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

To preserve the following trees the drainage lines located on the southern side of the dwelling shall be relocated from beneath the canopies of the specified trees. Alternatively the excavation for the installation of the stormwater shall be carried out using the thrust boring method.

Thrust boring shall be carried out at least 600mm beneath natural ground surface to minimise damage to the trees root systems.

Amended drainage details indicating these works shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Tree/Location

3 x *Nyssa sylvatica* (Tupelo)

/Southern boundary adjacent to Units 2.01 & 2.02

2 x *Ulmus glabra* 'Lutescens' (Golden Elm)

/Southern boundary adjacent to Unit 2.01.

Taxodium distichum (Swamp Cypress)

/Centre of southern boundary

Tilia cordata (Small-leafed European Linden)

/South-eastern corner

79. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:
- That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - That all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

80. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions provided in common areas and within private parking areas comply with the following standards:
 - a. The State Environmental Planning Policy for Senior Living (particularly relating to height clearances and space dimensions) and
 - b. Australian Standard 2890.1 – 2004 “Off-street car parking” and
 - c. The 2.5 metres headroom requirement under DCP40 for waste collection trucks (where internal collection is required).
 - d. No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
82. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
83. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components, including stormwater quality control measures. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
84. The Applicant must carry out the following infrastructure works in the Public Road, unless the works have already been completed.

- Upgrade footpaths and kerb ramps between the subject site and Cowan Road, and construct a pedestrian refuge in Cowan Road, to comply with AS1428.1 and the Seniors Living Policy, as recommended in the Access Assessment Report prepared by Accessibility Solutions dated 8 April 2004.

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

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

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

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

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

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

85. Prior to the issue of a Construction Certificate the applicant shall lodge a \$20,000 bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of all works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
86. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design shall be generally based on the concept plan 56979/A by Kneebone & Beretta, advanced for construction purposes, except that water quality measures as described in Chapter 8 of DCP 47 are to be provided. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
87. Prior to issue of the Construction Certificate, a revised plan shall be submitted to demonstrate that the shared entrance areas to the two buildings are able to be locked, in accordance with the Crime Prevention Clause 35(b) of SEPP (Seniors Living) 2004.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

88. 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.
89. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
2 x <i>Liquidambar styraciflua</i> (Liquidambar) / South-western corner	4 metres
<i>Araucaria heterophylla</i> (Norfolk Island Pine) / South-western corner	4 metres
3 x <i>Nyssa sylvatica</i> (Tupelo) / Southern boundary adjacent to Units 2.01 & 2.02	3 metres
2 x <i>Ulmus glabra</i> ' <i>Lutescens</i> ' (Golden Elm) / Southern boundary adjacent to Unit 2.01.	3 metres

<i>Taxodium distichum</i> (Swamp Cypress) / Centre of southern boundary	3 metres
<i>Tilia cordata</i> (Small-leafed European Linden) / South eastern corner	4 metres
<i>Cedrus deodara</i> (Himalayan Cedar) / Northern boundary, adjacent to Unit 2.01	4 metres
<i>Castanospermum australe</i> (Moreton Bay Chestnut) / Adjacent to driveway entrance	1 metre
<i>Macadamia tetraphylla</i> (Macadamia) / Adjacent to driveway entrance	1 metre
2 x <i>Diospyros kaki</i> (Chinese Persimmon) / Centre of southern boundary	3 metres

90. 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.
91. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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.
92. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works, and prior to issue of the Construction Certificate. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.
93. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a suitably qualified and experienced civil/hydraulic engineer that:
 - a. The existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory condition and
 - b. The existing pipes to be utilised have hydraulic capacity to carry design flowrates and/or detention system overflows (where detention systems are to be provided) from the subject property as far as the approved point of discharge to the public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows from the approved development the

Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority (PCA), prior to commencement of any works on the site. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
 - b. The contributing catchment calculations and supporting pipe sizing information,
 - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
94. Prior to the commencement of any other works on the site, with the exception of tree protection and erosion and sediment control measures, the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to issue of the Construction Certificate, the following shall be submitted to the Principal Certifying Authority (PCA):
- a. Certification from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
95. Prior to the commencement of any works on the site the applicant is to provide to Council a dilapidation report prepared by a suitably qualified engineer, including photographs, of the existing right of way/ private road. A copy of the report shall also be provided to the other property owners who benefit from the right of way.
96. Due to the location of the development site off a main road, the applicant must submit, for review by Council Engineers, a Traffic Control Plan. The plan must be prepared by a qualified civil/traffic engineer 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)”. The following matters must be addressed:

Heavy vehicle routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.

Stages

- a. The Traffic Control Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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

- 97. An easement for waste collection is to be created prior to occupation of the development. 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.

98. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention/ retention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

99. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
100. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
101. Prior to release of the linen plan/occupation of the development, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.

- c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
102. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
 103. At the completion of works and prior to occupation of the development/release of the plan of subdivision, a second dilapidation report must be completed on the structural and visible condition of the entire right of carriageway servicing the site, recording conditions of all features originally assessed prior to the commencement of works. The report must be submitted to Council. Any damage to the shared driveway as a result of construction shall be repaired in full at the applicant's cost.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

104. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, 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 at no cost to Council.
105. Prior to issue of an Occupation 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/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 instrument for protection of on-site detention/ 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 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.

106. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
 - a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - c. The Engineer's certification of the as-built system.

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

107. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
108. Prior to the issue of an Occupation Certificate, the applicant is to reseal the private existing right of way at their own expense in accordance with any relevant standards.
109. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
110. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
 - a. The dimensions of all as-constructed private carparking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b. The as-constructed carpark complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 - Australian Standard 2890.1 - "Off-street car parking", and
 - 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement carpark, and
 - d. The gradients of the constructed access driveway from the public street to the basement carpark are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
 - e. No doors or gates have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
111. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention/ retention and re-use are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at over flow point(s)

112. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).
- Installation of proprietary tank products in accordance with manufacturers' specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)

- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:

- As constructed levels in comparison to design levels
- As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
- Dimensions of all retention tanks/devices
- Top water levels of storage areas and RL’s at overflow point(s)
- Storage volume(s) provided and supporting calculations/documentation.

113. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
- c. 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.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
- b. As built reduced level(s) at the approved point of discharge to the public drainage system.
- c. Gradients of drainage lines, materials and dimensions.

114. Prior to the release of any Occupation Certificate, a sign indicating the location of the visitor parking shall be erected at the intersection of the

basement carpark access driveway and the main driveway to the development.

BUILDING CONDITIONS

115. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - Retaining walls and associated drainage.
 - Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
116. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
117. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
118. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
119. 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.

120. 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.

121. 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. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

- f. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- g. A Compliance Certificate that the development complies with the relevant design standards of clauses 52(1), 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 & 71 of State Environmental Planning Policy (Seniors Living) 2004.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Lane and Malicki

Against the Resolution: Councillors Ebbeck and Hall

601 **St Ives Showground Heritage Craft Fair - Renewal of 2-Year Licence Option**

File: S02195

For Council to consider exercising its option for the extension of the licence with the operator of the Heritage Craft Fair.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That Council exercise the 2-year option period commencing 2 January 2005 to the Heritage Craft Fair operator.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That funds drawn from car-parking activities and all increases in licence revenue over 2001/2003 levels be deposited into the Restricted Asset account to fund environmental remediation and specific works associated with the Plan of Management and Traffic and Parking Management Plans.

CARRIED UNANIMOUSLY

602 **4 Porters Lane, St Ives - Option to Renew Lease**

File: P52677

To advise Council of the YMCA of Sydney exercising its option to renew the lease for the premises at 4 Porters Lane St Ives.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That Council receive and note the exercise of option and approve the grant of a 3 year lease to the YMCA of Sydney over Council premises at 4 Porters Lane, St. Ives.
- B. That the Mayor and General Manager be authorised be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

603

5 - 7 Gilroy Road, Turramurra - Option to Renew Licence

File: S02351

To advise Council of the tenants of the Ku-ring-gai Support Services Centre exercising their options to renew their licences for the premises located at 5-7 Gilroy Road, Turramurra.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That Council receive and note the exercise of option from the following organisations:
 - Easy Care Gardening Services Inc.
 - Ku-ring-gai Meals on Wheels Inc.
 - Hornsby Ku-ring-gai Community Aged Disabled Transport Service Inc.and approve the grant of a 3 year licence to those organisations over Council premises at 5-7 Gilroy Road, Turramurra.
- B. That the Mayor and General Manager be authorised be authorised to execute all necessary licence documents.
- C. That Council authorise the affixing of the common seal of Council to the licence agreement.

CARRIED UNANIMOUSLY

604

Panel of External Providers of Legal Services

File: S03869

Report by General Manager dated 19 November 2004.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That Council seek expressions of interest and selective tenders for the future provision of legal services to Council.
- B. That Council approve, in principle, the selection of a panel of firms to deal with Council's legal requirements.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with the
Business Paper items where there are speakers first
after a Motion moved by Councillors Lane and Ebbeck
was CARRIED UNANIMOUSLY*

605

EXPULSION OF A MEMBER OF THE PUBLIC

File: S02211

In accordance with Council's Code of Meeting Practice, a member of the public was expelled from the Council Meeting for disruptive behaviour.

Resolved:

(Moved: Councillors Ebbeck/Lane)

That the member of the public be expelled from the Council Meeting.

CARRIED UNANIMOUSLY

**Council adjourned for a short interval at 7.50 pm
after a Motion moved by Councillors Malicki and Ebbeck was
CARRIED and the Chairperson ruled accordingly.
The Meeting resumed at 7.55 pm**

Councillor Shelley arrived during adjournment

Those present were:

The Mayor, Councillor Ryan
Councillor Andrew
Councillor Ebbeck
Councillor Hall
Councillor Lane
Councillor Malicki
Councillor Shelley

Application to Amend the Ku-ring-gai Planning Scheme Ordinance in relation to Exclusion of Vulnerable Communities in Bushfire Prone Areas

File: S02151, S02643

C Drake addressed Council

To allow Council to assess the merits of amending the Ku-ring-gai Planning Scheme Ordinance (KPSO) to limit the further increase of vulnerable communities in the cross hatched areas of the "Bush Fire Evacuation Risk Map" and to prohibit the further subdivision of land in order to create separately titled dwellings within these areas.

Resolved:

(Moved: Councillors Ebbeck/Shelley)

- A. That Council prepare and exhibit a draft Local Environmental Plan to give effect to option one as set out in the officer's report that the provisions related to residential subdivision not apply to land in the abandoned B2 corridor bounded by Kerela Avenue, The Broadway, Eurong Street and Muttama Street, Wahroonga.
- B. That the Local Environmental Plan be worded so as not to provide intensification of existing use rights for the identified developments.
- C. That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the *Environmental Planning and Assessment Act 1979*, and notify relevant authorities in accordance with Section 62 of the Act.
- D. That the draft Plan be placed on exhibition and notified in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, and Regulations.
- E. That a report be brought back to Council at the end of the exhibition period.
- F. That a copy of the draft LEP be sent to Councillors and be given a minimum time to comment to staff prior to going on public exhibition.
- G. That the Sydney Adventist Hospital be notified of the proposal as so on as possible.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

607 **657 - 661 Pacific Highway, Killara - Draft LEP 202**

File: S02029

Notice of Rescission from Councillors T Hall, A Andrew & N Ebbeck dated 23 November 2004.

We, the undersigned, move:

That the decision not to proceed with the rezoning of 657 to 661 Pacific Highway, Killara is hereby rescinded and the Officer's recommendation to adopt Draft LEP 202 be approved.

Resolved:

(Moved: Mayor, Councillor Ryan/Councillor Ebbeck)

That the matter stand deferred until later in the meeting (see Minute No 609).

CARRIED UNANIMOUSLY

608 **1225 Pacific Highway, Turramurra - SEPP5 Development comprising of 6 Units**

File: 1239/02

Ward: Wahroonga
Applicant: John Bourke
Owner: Rinback Pty Ltd

To determine a development application for a SEPP 5 development comprising of 6 units.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That consideration of Development Application No 1239/02 for consent to construct a SEPP5 development at 1225 Pacific Highway, Turramurra be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 11 December 2004 to view the following properties:

143 - 145 Pentecost Street, Turramurra
1225 Pacific Highway, Turramurra

and also on Monday, 13 December 2004 commencing at 4.30pm to view the following properties:

71 Beechworth Road, Pymble
1A Kalang Avenue, Killara

609 **657 to 661 Pacific Highway, Killara - Draft LEP 202**

File: S02029

Notice of Rescission from Councillors T Hall, A Andrew & N Ebbeck dated 23 November 2004.

We, the undersigned, move:

That the decision not to proceed with the rezoning of 657 to 661 Pacific Highway, Killara is hereby rescinded and the officer's recommendation to adopt Draft LEP 202 be approved.

Resolved:

(Moved: Councillors Hall/Shelley)

That consideration of the matter be deferred until the next Ordinary Meeting of Council to be held on 14 December 2004.

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

Against the Resolution: Councillor Ebbeck

The Meeting closed at 8.35pm

The Minutes of the Ordinary Meeting of Council held on 7 December 2004 (Pages 1 - 53) were confirmed as a full and accurate record of proceedings on 14 December 2004.

General Manager

Mayor / Chairperson