

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 8 MARCH 2005

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

Staff Present: General Manager (Brian Bell)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning & Environment (Leta Webb)
Director Technical Services (Greg Piconi)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Manager Revenue Accounting (David Lethbridge)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

Councillor Shelley declared a conflict of interest in item GB.11 – Sponsorship Proposals: The Business Awards and Community Business Awards.

ADDRESS THE COUNCIL

I Glendinning addressed Council on an item not on the Agenda.

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: Proposed Drainage Easement over Council land at Princes Land, Turramurra (Irish Town Reserve) – Applicant at 93 Bannockburn Road, Turramurra – Report by Director Open Space & Director Technical Services dated 2 March 2005

Representation on the Ku-ring-gai Youth Development Service Inc Management Committee – Report by Director Community Services dated 3 March 2005

CONFIRMATION OF MINUTES

53 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 15 February 2005

Minutes numbered 29 to 52

Resolved:

(Moved: Councillors Ebbeck/Lane)

That Minutes numbered 29 to 52 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

54 Objections To Proposed Development For Newhaven Place & Stanley Street, St Ives From The Community Of Corpus Christi Cathedral, St Ives - (Three Hundred & Thirty-Two [332] Signatures)

File: DA1423/04, DA1424/04, DA1425/04, DA1294/04

The following Petition was presented by Councillor Hall:

I write with reference to the above applications for development in areas of close proximity to Corpus Christi Cathedral and Primary School.

Along with many of my parishioners and parents of children attending our primary school, I was dismayed at the scope of the proposed development. After a brief discussion with Mr. Selwyn Segall, a traffic assessment for the site as made available to me. It sketched a very positive outcome for the project with little significant impact on traffic. This report however clouds the issue in that it only speaks to one of the four developments to take place in Newhaven Place and thus does not give a clear indication of the impact of four, five storey high-rise development blocks to be built on this site.

I am concerned that the true scope of this development may not have been fully appreciated by planners at the local and state government level. I appreciate that Council's hands have been somewhat tied by legislation when the State Government last year usurped the wishes of the local community by imposing changes to the Ku-ring-gai Planning Scheme Ordinance which permitted developments of up to 5 storeys on a number of sites within the Councils local government area. I suppose that in that light it is inevitable that developments of the type proposed will take place, however that changes or modifications to the projects might take place, is not inevitable. I would strongly urge those members of Council and its senior officers who may be appalled at these developments to consider that aspect.

I am also particularly concerned at the impact of a possible extra 150 vehicles in this area which sees children coming and going in peak traffic periods not only from Corpus Christi Primary School, but from Masada College, Noddy's pre school kindergarten and the occasional day care centre next door to it. Surely the safety of our children must be a priority. An increase in traffic does not necessarily translate to an increase in safety for pedestrians.

Work has not yet begun on the old Passionist Monastery site in Killeaton Street, and with further developments by Meriton in this immediate locality still to come, one shudders to think of the ramifications such projects will have on already busy motorways, an overcrowded shopping centre and an already sub-standard public transport system.

Ku-ring-gai offers a unique quality of life of which many no doubt are envious. I am concerned at what may be created if developments such as the one put forward by De La Vega Architects, continue to flourish. The social consequences and problems which may arise as a result of such developments need to be more fully examined and I am confident that Council and its officers will be at pains to attend to this need.

I await the outcome of the debate which is sure to follow.

Resolved:

(Moved: Councillors Hall/Bennett)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

- 55 **Minutes of Inspections Committee**
File: S02131
Meeting held 12 February 2005
Minute No INS3

Resolved:

(Moved: Councillors Cross/Ebbeck)

That Minute No INS3 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

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

GENERAL BUSINESS

56 Sponsorship Proposals: The Business Awards And Community Business Awards

File: S02091

To advise Council of proposals from Precedent Productions and Cumberland Newspaper Group for Council to sponsor 2 separate small business awards for 2005.

Resolved:

(Moved: Councillors Innes/Cross)

That Council support the proposals from Precedent Productions to sponsor *The Business Awards* for \$3,850 and Cumberland Newspaper Group to sponsor *The Community Business Awards* for \$3,000 (Total of \$6,850).

CARRIED UNANIMOUSLY

57 8-12 Ada Avenue And 7 Munderah Road, Wahroonga - Demolition Of Existing Dwellings On Site And Construction Of 34 X 3 Bedroom Dwellings Within Three Separate Buildings; Associated Access, Basement Parking And Landscaping

File: DA1046/04

Ward: Wahroonga

Applicant: Carrington Wahroonga Pty Limited

Owner: Carrington Wahroonga Pty Limited

To determine Development Application No 1046/04 which seeks consent for the demolition of existing structures on site and construction of 34 x 3 bedroom dwellings within three separate buildings; associated access, basement parking and landscaping

Resolved:

(Moved: Councillors Malicki/Innes)

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

THAT the Council, as the consent authority, grant development consent to DA 1046/04 for the demolition of existing structures on site and the construction of 34 x 3 bedroom dwellings within three separate buildings, associated access, basement parking and landscaping on land at 8-12 Ada Avenue and 7 Munderah Street, 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 identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev.	Description	Author	Dated	Lodged
DWG WAH-AR-DA-001	Rev E	Site Plan Architects	Sandberg Shoffel	14-01-05	20-01-05
DWG WAH-AR-DA-002	Rev D	Block A Plans Architects	Sandberg Shoffel	08-10-04	08-10-04
DWG WAH-AR-DA-003	Rev D	Block A Plans Architects	Sandberg Shoffel	08-10-04	08-10-04
DWG WAH-AR-DA-004	Rev D	Block B and C B2 Basement	Sandberg Shoffel	08-10-04	08-10-04
DWG WAH-AR-DA-005	Rev D	Block B and C B1 Basement	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-006	Rev D	Block B & C Ground Plan	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-007	Rev D	Block B & C Typical Plans	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-008	Rev D	Block B Lev 3 Plan & C Penthouse Plan	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-009	Rev D	Block B Penthouse Plan & C Roof Plan	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0010	Rev D	Block B Roof Plan	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0011	Rev D	Site Elevations	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0012	Rev D	Block A Elevations – East + West	Sandberg Shoffel Architects	08-10-04	08-10-04

DWG WAH-AR-DA-0013	Rev D	Block A Elevations – North + South	Sandberg Shoffel Architects	08-10-04	08-10-04-
DWG WAH-AR-DA-0014	Rev D	Block B Elevations – West + East	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0015	Rev D	Block B Elevations– North + South	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0016	Rev D	Block C Elevations – East + West	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0017	Rev D	Block C Elevations – North + South	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0018	Rev D	Sections	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0019	Rev D	Sections	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0020	Rev D	Site Analysis	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0021	Rev D	Cut and Fill Diagram	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0022	Rev D	Existing Shadows	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0023	Rev E	Proposed Shadows	Sandberg Shoffel Architects	12-01-05	20-01-05
DWG WAH-AR-DA-0024	-	Colour Board	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0025	Rev D	Environmental Site Management Plan	Sandberg Shoffel Architects	08-10-04	08-10-04
DWG WAH-AR-DA-0026	- Area Plan	Building Footprint Architects	Sandberg Shoffel Architects	Dec 2004	20-01-05
L01	D	Landscape Plan	PSB	10-01-05	20-01-05
L02	A	Landscape Plan	PSB	10-01-05	20-01-05

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. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.
(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).
5. 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.
6. **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.
7. 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.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.

11. 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.
12. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
15. 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.

16. 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.
17. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. 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.

24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
25. 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.
26. 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.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Fire hoses are to be maintained on site during the course of demolition.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. 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.
33. 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.
34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
35. 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. "Peep holes" shall be provided to the entrance doors of all units for personal security.
38. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the in-ground system in Ada Avenue via the approved site stormwater management system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
39. A mandatory rainwater re-use tank system of minimum volume 105m³ as shown in the DA submission Hydraulic Services plans (refer plans HDA01 to HDA12 by Whipps Wood Consulting, dated 6/10/04), together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. DCP47 is available in hard copy at Council and on the Council website. A mains top-up shall be provided for periods of low rainfall.
40. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
41. 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.
42. 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.

43. 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.
44. 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.
45. 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".
46. 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.
47. 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.
48. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

Geotechnical aspects of the development works, particularly excavation and support, must be undertaken in accordance with the recommendations of the “Report on Geotechnical Investigation for Proposed Residential Development 12 Ada Ave, Wahroonga” (project 37312, dated August 2004) prepared by Douglas Partners.

49. The geotechnical implementation plan, testing and monitoring program for the construction works must be in accordance with the “Report on Geotechnical Investigation for Proposed Residential Development 12 Ada Ave, Wahroonga” (project 37312, dated August 2004) prepared by Douglas Partners. A qualified Geotechnical/hydrogeological Engineer must complete the following:
 - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - Written report(s) and certification(s) of the geotechnical inspection, testing and monitoring programs.
50. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
51. All construction traffic control and management measures shall be implemented generally in accordance with the *Construction Traffic Management Plan* prepared by Masson Wilson Twiney, dated October 2004, submitted with the DA. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
52. For traffic and pedestrian amenity purposes, **no** truck movements shall occur in Ada Avenue during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm).
53. 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.

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

55. Landscape works shall be carried out in accordance with Landscape Drawing No L01D, WAR LA-DA-001 prepared by PSB and dated 10/01/2005 submitted with the Development Application, except as amended by the following:
- Tree #21 *Grevillea robusta* (Silky Oak) is to be removed and replaced with an *Angophora floribunda* (Rough Barked Apple) with a minimum pot size at planting of 25Litre
 - The existing *Cinnamomum camphora* (Camphor laurel) located on the Munderah St nature strip are to be removed and replaced with six (6) *Angophora floribunda* (Rough Barked Apple) with a minimum 25 Litre pot size at planting.
 - The Ada Ave site frontage is to be planted with six (6) additional *Jacaranda mimosifolia* (Jacaranda) as a formal avenue planting consistent with the existing street tree planting. A minimum 25 Litre pot size at planting is to be utilised.
56. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
57. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
58. Canopy pruning of the following tree/s which may be 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:

Tree/Location

7 *Eucalyptus saligna* (Bluegum)

Adjacent to south east site corner

16 *Eucalyptus saligna* (Bluegum)

Centrally located adjacent to Ada Ave (western) site boundary

5 *Eucalyptus saligna* (Bluegum)

Adjacent to south west site corner

59. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

Radius From Trunk

7 *Eucalyptus saligna* (Sydney Bluegum)

6.5m

Adjacent to south east site corner

5 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to south west site corner/Block C	3.0m
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8 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western/Ada Ave site boundary	12.0m
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16 <i>Eucalyptus saligna</i> (Sydney Bluegum) Centrally located adjacent to western/Ada Ave site boundary	8.0m
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19 <i>Cedrus atlantica</i> 'Glauc' (Atlantic Cedar) Adjacent to western/Ada Ave site frontage	5.0m
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10C <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to eastern site boundary	4.5m
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60. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.

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

Tree/Location	Radius From Trunk
19 <i>Cedrus atlantica</i> 'Glauc' (Atlantic Cedar) Adjacent to western/Ada Ave site frontage	5.0m

62. 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
7 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to south east site corner	6.5m
5 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to south west site corner/Block C	3.0m
16 <i>Eucalyptus saligna</i> (Sydney Bluegum) Centrally located adjacent to western/Ada Ave site boundary	8.0m

19 *Cedrus atlantica* 'Glauca' (Atlantic Cedar) 5.0m
Adjacent to western/Ada Ave site frontage

10C *Angophora floribunda* (Rough Barked Apple) 4.5m
Adjacent to eastern site boundary

63. 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.
64. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Munderah St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Angophora floribunda (Rough barked apple) x 6

65. Following removal of the *Cinnamomum camphora* (Camphor laurel) from Council's Munderah St nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
66. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.
67. 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.
68. The colour, texture and substance of all external materials shall be generally as detailed in the application. The rear (east) elevation of Building B, and the rear (east), north, and south plane elevations of Buildings B and C shall be of varying colours and textures so as to provide more interest to these elevations. Details of these changes shall be submitted and agreed to by the Principal Certifying Authority prior to Construction Certificate being issued.
69. Eighty-six (83) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
- 73 - Residential
 - 10 – Visitors/Service Vehicles
- Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies

within the building. (*Reason: To ensure that adequate parking facilities to service the development are provided on site*)

70. At least one external visitor parking bay shall be provided with a tap, for car washing purposes, in accordance with DCP55 Part 5.

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

71. 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.

72. 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).
73. 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.

74. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - 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.
 - 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.
75. 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 TWENTY-NINE (29) ADDITIONAL DWELLINGS IS CURRENTLY \$860,487.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

76. 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.

77. 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 Occupation Certificate, 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.

78. A cash bond/bank guarantee of \$13 000.00 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

7 *Eucalyptus saligna* (Sydney Bluegum) (\$4 000.00)
Adjacent to south east site corner

8 *Eucalyptus saligna* (Sydney Bluegum) (\$2 000.00)
Adjacent to western/Ada Ave site boundary

5 *Eucalyptus saligna* (Sydney Bluegum) (\$1 000.00)

Adjacent to south west site corner/Block C

16 *Eucalyptus saligna* (Sydney Bluegum) (\$4 000.00)

Centrally located adjacent to western/Ada Ave site boundary

19 *Cedrus atlantica* 'Glauc' (Atlantic Cedar) (\$2 000.00)

Adjacent to western/Ada Ave site frontage

79. To preserve the following tree/s, footings of the proposed shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the principal certifying authority/Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location

Radius in Metres

16 *Eucalyptus saligna* (Sydney Bluegum)

9.0m

Centrally located adjacent to western/Ada Ave site boundary

19 *Cedrus atlantica* 'Glauc' (Atlantic Cedar)

5.0m

Adjacent to western/Ada Ave site frontage

80. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing five lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
81. Prior to issue of the Construction Certificate, footpath and driveway levels for the required 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. The construction of footpaths and driveways outside the

property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

82. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website). The design may be generally in accordance with the Sediment and Erosion control details plan HDA12 by Whipps Wood Consulting (dated 01/10/04) submitted with the development application, and advanced as necessary for construction issue purposes.
83. 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 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 the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design may be generally in accordance with the detail HDA11 by Whipps Wood Consulting (dated 6/10/04) submitted with the development application, and advanced as necessary for construction issue purposes.
84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use shall be shown on this design to a detail suitable for installation by the plumbing contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/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. New connection points to the public drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.

86. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollars) public infrastructure damage 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 and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - 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.
 - Works in the public road associated with the development are to an unacceptable quality.
87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), amended plans for the basement and external vehicle access and accommodation arrangements. These plans shall incorporate the following details:
- Minimum inside radius on the curved internal circulation ramp to be 4 metres as specified in figure 2.9 of Australian Standard 2890.1 – 2004 "Off-Street car parking".
 - Increase lane widths at intercom to clear 3.0 metres minimum (as recommended in section 3.4 of the DA submission Traffic report by Masson Wilson Twiney, dated October 2004).
 - Install convex mirror on curved ramped circulation ramp to ensure ingressing and egressing drivers are aware of each other.
 - Turning area for building A to be widened by 400 mm on its western side and turning area outside building B and C to be widened by 1.5 metres on the southern and eastern sides (as recommended in section 3.5 of the DA submission Traffic report by Masson Wilson Twiney, dated October 2004).
88. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate. (*Reason: To ensure quality built form of the development*).

89. The following energy efficiency devices are to be installed within the development:
- Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralised gas hot water heating system.
 - Dual flush toilets.
 - Low flow taps and showerheads.
- Details are to be submitted for approval with the Construction Certificate.
(Reason: To promote the use of energy efficient appliances)
90. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. *(Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).*
91. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate *(Reason: To preserve community health and ensure compliance with acceptable standards).*
92. Two (2) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. *(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population).*
93. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. *(Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality).*

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

94. 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.
95. 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
7 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to south east site corner	4.5m
5 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to south west site corner/Block C	2.0m
8 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western/Ada Ave site boundary	8.0m
16 <i>Eucalyptus saligna</i> (Sydney Bluegum) Centrally located adjacent to western/Ada Ave site boundary	8.0m
19 <i>Cedrus atlantica</i> 'Glauca' (Atlantic Cedar) Adjacent to western/Ada Ave site frontage	5.0m
10C <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to eastern site boundary	4.5m

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

Tree/Location	Radius From Trunk
ALL existing street tree planting to be retained Ada Ave & Munderah St	3.0m

97. 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.
98. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site, 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.
99. Prior to the commencement of any works on site the applicant shall submit to **Council** a full dilapidation report on the visible (including photos) and structural condition of Ada Ave between the intersection with Pacific Highway and Munderah Street including full road width, kerbs, and the Munderah intersection. The report must be completed by a consulting structural/civil engineer. A second dilapidation report, recording structural conditions of all

structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council. Other Council roads in the area are not available for construction traffic apart from vehicles less than 3.0 tonne gross unless written approval is received from Council and a dilapidation report has been completed on the roads.

100. Prior to the commencement of any works on site, the applicant must submit to the Principal Certifying Authority details of the proposed Vibration Monitoring Program as specified in section 6.1.2 of the “Report on Geotechnical Investigation for Proposed Residential Development 12 Ada Ave, Wahroonga” (project 37312, dated August 2004) prepared by Douglas Partners. This is to ensure that vibration created by the method of construction does not adversely impact on surrounding property and infrastructure. A qualified and practising geotechnical engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. Details to be included in Vibration Monitoring Program to include:
- pre-set acceptable limits for the variation of:
 - settlement
 - deflection or movement of retaining mechanisms such as shoring and bracing and
 - vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
 - the location and type of monitoring systems to be used
 - recommended hold points to allow for inspection and certification by a geotechnical engineer and
 - a contingency plan should the pre-set acceptable limits be exceeded.
101. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a **construction site layout plan**. This is to entail a plan view of the entire site and frontage roadways indicating scale locations for :
- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
 - Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
 - The locations of proposed Work Zones in the frontage roadways,
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - The provision of an on-site parking for employees, tradesperson and construction vehicles
 - The plan shall be prepared in conjunction with the Construction Traffic Management Plan prepared by Masson Wilson Twiney, dated October 2004, submitted with the Development Application.
 - The construction site layout plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The traffic management measures contained in the approved plan shall be

implemented in accordance with the above plans prior to the commencement of any works on-site including excavation.

102. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' as close as possible to the site. Further, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

103. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
104. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the "Report on Geotechnical Investigation for Proposed Residential Development 12 Ada Ave, Wahroonga" (project 37312, dated August 2004) prepared by Douglas Partners, must be supplied to the Principal Certifying Authority for approval.
105. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- Completion of the new driveway crossings in accordance with levels and specifications issued by Council.
 - Full reconstruction of the concrete footpath over the entire site frontage of Ada Avenue.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

- All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.
106. 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 and retention facilities (including all ancillary reticulation plumbing) on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of on-site detention and retention facilities (DCP47 appendix 14) 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 issue of an Occupation Certificate.
107. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - The Engineer's certification of the as-built system.
- This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.
108. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
109. Prior to issue of an Occupation Certificate a certification and a works-as-executed (WAE) plan, in relation to the installed rainwater retention/detention 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 specifically state compliance with each of the relevant controls set out in appendix 6.2 of Council Water Management Development Control Plan 47. 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.

- For the on-site detention control installed, a separate 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 overflow point(s)
110. Prior to issue of an Occupation Certificate the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- 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
 - The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
 - 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 issue of an Occupation 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.
111. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like)

comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and the parking layout plans approved for the Construction Certificate.

BUILDING CONDITIONS

112. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
113. 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.
114. 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.
115. 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.

116. 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.

CARRIED UNANIMOUSLY

58 **Investment Cash Flow & Loan Liability As At 31 January 2005**

File: S02722

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

Resolved:

(Moved: Councillors Malicki/Shelley)

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

CARRIED UNANIMOUSLY

59 **5 Murdoch Street, Turramurra**

File: DA0867/04

To address matters raised at the site inspection of 12 February 2005 and for Council to determine a development application for the demolition of the existing dwelling and construction of a detached dual occupancy.

Resolved:

(Moved: Councillors Lane/Cross)

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

THAT Development Application No. 0867/04 for a dual occupancy development on land at 5 Murdoch Street, Turramurra, be approved for two years on a deferred commencement basis, subject to the following conditions:

SCHEDULE A

1. The submission of registered title documents demonstrating that the subject site is benefited by the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system. This information is to include, as a minimum, registered Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement(s).
2. The submission of full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. 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.
3. 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, the following shall be submitted to Council:
 - a. Certification from the supervising engineer that 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).

THIS CONSENT will be ISSUED SUBJECT TO CONDITIONS OF APPROVAL as specified hereunder in Schedule B.

This permit shall be read in conjunction with the approved plans and specifications.

The following conditions specified hereunder in Schedule B shall be imposed on the Development Application.

SCHEDULE B

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans numbered 1 to 9, dated 14-06-2004, drawn by Design Criteria, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. 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.
7. 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.
8. 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.
9. **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.

10. 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.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. To maintain existing ground levels all excavated material shall be removed from the site.
14. 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.
15. 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.
16. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance.

Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.

- d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.

- 17. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
- 18. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 19. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- 20. 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.

21. 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.
22. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
23. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
24. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
25. 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.
26. 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.

27. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
28. 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.
- 29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 31. 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.
- 32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 33. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
- 34. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
- 35. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
- 36. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may

arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

37. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the interallotment stormwater drainage line benefiting the subject site.
38. A mandatory on-site stormwater retention and re-use system must be provided in accordance with Basix Certificate.
39. An on-site stormwater detention system must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
40. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door and connected to the stormwater drainage system.
41. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
42. 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.
43. 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 minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.
44. The minimum width of a single and double garage door opening shall be 2.4 and 4.8 metres respectively, in accordance with Section 5.4 of AS2890.1-2004.

45. 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 AS 2890.1 – “Off-Street car parking”.
46. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to issue of the Construction Certificate. 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.
48. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
49. 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.

50. Landscape works shall be carried out in accordance with Landscape Drawing LPDA 05 – 72/1D, prepared by Landscape Architectural Services, dated November 2004 submitted with the Development Application, except as amended by the following:
 1. Retaining wall to driveway adjacent dwelling 1 to be setback minimum 1 metre from western boundary.

2. Retaining walls along eastern boundary to dwelling 1 and 2 to be setback minimum 1 metre from boundary.
51. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
52. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period. A Landscape Plan, dwg LPDA 05 – 72/1D, prepared by Landscape Architectural Services, dated November 2004, has been submitted. Tree numbers refer to this plan.

Tree/Location	Radius From Trunk
<i>Pistacia chinensis</i> (Pistacia)/Tree 18, nature strip	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12, western bdy, adj property	10m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 1, south east cnr, adj property	4m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 2, south east cnr, adj property	3m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 3, south east cnr, adj property	4m
<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle) Tree 16, eastern bdy, adj property	3m
<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle) Tree 17, eastern bdy, adj property	3m

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

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12, western bdy, adj property	10m

54. No mechanical excavation of the proposed OSD tank 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>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 1, south east cnr, adj property	4m

<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark)	
Tree 2, south east cnr, adj property	3m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark)	
Tree 3, south east cnr, adj property	4m

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

Tree/Location	Radius From Trunk
<i>Pistacia chinensis</i> (Pistacia)/Tree 18, nature strip	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12, western bdy, adj property	10m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 1, south east cnr, adj property	4m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 2, south east cnr, adj property	3m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) Tree 3, south east cnr, adj property	4m
<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle) Tree 16, eastern bdy, adj property	3m
<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle) Tree 17, eastern bdy, adj property	3m

56. 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.
57. On completion of the LANDSCAPE WORKS a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
58. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Celtis australis (Nettle Tree)
Acer negundo (Box Elder)
Ligustrum lucidum (Large-leaved Privet)

59. 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.
60. In order to protect the amenity and privacy of the adjoining property No.3 Murdoch Street, the windows serving the dining room of Dwelling 1 shall either be obscure glazed to height of 1.7 metres or have a lower sill level of 1.7 metres above FFL.

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

61. 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.

62. The stormwater concept plan prepared by GJ McDonald Consulting Engineers, Drawing No. 02252C-C, dated 29/7/04 shall be amended to, but not limited to the following:
1. A minimum of 2 access grates are to be provided for the on-site detention system in order to allow cross ventilation.
 2. Details of rainwater retention and re-use system must be provided as noted in the Basix Certificate.
63. Full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention system shall be submitted and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The storage volumes and design shall comply with Council's 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 in accordance with Basix Certificate. 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.

64. 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 Basix Certificate 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.
65. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/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.
66. 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.

67. A CASH BOND/BANK GUARANTEE of \$1000 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.

68. 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.

69. 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).
70. 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.
71. 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.
72. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
73. 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 ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$32,324. 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	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra 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

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

Tree/Location	Radius in Metres
<i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) Tree 10, western bdy	4m
<i>Nyssa sylvatica</i> (Tupelo) Tree 9, south west corner	4m

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

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (<i>Sydney Blue Gum</i>)/ Tree 12, western bdy, adj property	10m
<i>Pistacia chinensis</i> (<i>Pistacia</i>)/Tree 18, nature strip	6m

77. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area for proposed drainage works and minimum 1.5m setback from the eastern boundary, shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Camellia sasanqua</i> hedge/ eastern boundary	5m
<i>Melaleuca quinquenervia</i> (<i>Broad Leaved Paperbark</i>) Tree 1, south east cnr, adj property	4m
<i>Melaleuca quinquenervia</i> (<i>Broad Leaved Paperbark</i>) Tree 2, south eas t cnr, adj property	3m

Melaleuca quinquenervia (Broad Leaved Paperbark)

Tree 3, south east cnr, adj property

4m

78. 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.
79. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

80. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. 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 is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
81. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
82. 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.
83. 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.
84. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans.
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

85. 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.
86. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the **on-site stormwater detention facilities** on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
87. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the **on-site stormwater retention and re-use facilities** on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

BUILDING CONDITIONS

88. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.

- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
89. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

90. 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.

- 91. 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.

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

Against the Resolution: *Councillors Bennett, Ebbeck and Malicki*

60 **71 Beechworth Road, Pymble**

File: DA0406/04

To address the issues raised at the site inspection of 11 December 2004 and for Council to determine a development application for the construction of a detached dual occupancy development.

Resolved:

(Moved: Councillors Lane/Shelley)

That Development Application No 406/04 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 being Lot 30, DP 22115 be approved 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 406/04 lodged with Council on 23 April 2004 and Development Application plans prepared by Hans Waldmann and Associates, Drawing Nos 801-01-04, 801-02-04 and 801-03-04 dated January 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

Administration

4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

Construction

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. To maintain existing ground levels all excavated material shall be removed from the site.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. 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.

Special

14. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.

To ensure compliance with the Building Code of Australia, the theatre room window in the northern wall of House No 2 is to be increased in size to provide adequate natural light and ventilation.

- 14A In order to maintain reasonable levels of visual privacy to adjoining properties, the balustrades to the first floor balcony of dwelling 1 are to be constructed to a height of 1200mm.

Demolition

15. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
16. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
17. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.

18. 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.
19. 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.
20. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.
23. 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.
24. 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.
25. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.

26. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
27. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
28. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
29. 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.
30. 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.
31. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
32. 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.
33. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

Landscape

34. 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.

35. The landscape works, including screen planting and tree replenishment shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
36. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
- 36A There shall be no changes to existing ground levels by way of fill within the radius of the trunks of the following trees:

Tree/Location	Radius in Metres
T138 <i>Eucalyptus pilularis</i> /adjacent dwelling 2	6.0m
T148 <i>Eucalyptus pilularis</i> /adjacent dwelling 2	6.0m

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

No/Tree/Location	Radius From Trunk
48 / <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to and near the southern end of the property's western (side) boundary.	5m

38. On completion of the landscape works including tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
39. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Asparagus densiflorus (Asparagus Fern)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Hedera sp. (Ivy)
Hedychium gardnerianum (Ginger lily)

Nephrolepis cordifolia (Fishbone fern)
Olea europaea subsp. africana (African Olive)
Tradescantia albiflora (Wandering Jew)

40. 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.

Engineering

41. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
42. An on-site stormwater detention and/or retention system(s) must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
43. 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.
44. 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.
45. 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.

46. 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.

Applicant's Bushfire Consultant

Asset Protection Zone

47. To provide reasonable and satisfactory approach to bushfire safety for the proposed development, occupants and fire fighters the following conditions are to be complied with:
- a) That the areas around the existing and the new dwellings be retained as mown lawns, maintained gardens, paths and individual trees.

Dwelling Garden Positions

- b) That gardens containing timber or bark mulch are not located directly below the windows of any dwelling. Such gardens are to be a minimum of 1.0m radius from a window.
- c) That gardens located against the external wall of any dwelling shall not contain shrubs larger than 1.0m in height.

Building Construction (AS3959)

Front Dwelling Building Construction

48. There is no level of construction required under AS3959-1999 for the front dwelling, however we have recommended the following to protect from ember attack:
- That all open-able windows shall be screened with aluminium, steel or bronze metal mesh having a maximum aperture size of 1.8mm to prevent ember attack.
 - That all external doors shall be fitted with weather strips or draft excluders (sliding doors are excluded).
 - All external doors, other than the front door, shall be screened with aluminium, steel or bronze metal mesh at 1.8mm aperture size.
 - That all gutters and valleys be provided with materials designed to prevent the accumulation of leaf litter. These gutter protector materials shall have a flammability index of <5. ('Guttergard' leaf guard or similar)

Rear Dwelling Building Construction

49. That all aspects of the rear dwelling meet the standards set out in AS3959-1999 for Level 2 construction, in particular:
- a) That all external walls, other than the brick veneer, shall be constructed of non-combustible materials such as weathertex, A/C sheet or plank or mini-orb, Blue Board or other non-combustible cladding. • That window frames are either non-combustible, fire-retardant-treated timber or DAR hardwood.
 - b) That all open-able windows shall be screened with steel or bronze metal mesh having a maximum aperture size of 1.8mm to prevent ember attack. (Aluminium shall not be used).
 - c) That all external doors shall be fitted with weather strips or draft excluders (aluminium sliding doors are excluded).
 - d) All external doors, other than the front door, shall be screened with steel or bronze metal mesh at 1.8mm aperture size.
 - e) That plastic external air vents or registers shall not be used.
 - f) That metal mesh screens shall be provided to all vents and weep holes. The aperture size shall be not more than 1.8mm. (Aluminium shall not be used).
 - g) That the whole of the roof shall be of non-combustible material, eg colour bond style metal sheeting or cement / clay tiles or masonry shingles.
 - h) That the whole of the roof system shall be sarked. Sarking shall have a flammability index of not more than 5.
 - i) That all eaves shall be fully enclosed and the fascia or gaps between the rafters shall be sealed. Any lining and or joining strips shall be non-combustible.
 - j) That all fascias shall be of non-combustible construction.
 - k) That all gutters, valleys and downpipes shall be of non-combustible materials.
 - l) That all gutters and valleys be provided with materials designed to prevent the accumulation of leaf litter. These gutter protector materials shall have a flammability index of <5. ('Guttergard' leaf guard or similar)
 - m) That all exposed external water pipes shall be of metal.
 - n) That where LPG gas bottles are installed they shall be positioned with the safety valves facing away from the building or at a location having the least bushfire impact. All gas cylinders shall have clearly marked gas shut off valves positioned for easy access by fire fighters.

NSW Rural Fire Service

50. Construction shall comply with AS3959 - 1999 Level 2 'Construction of Buildings in bushfire prone areas'.
51. Roofing shall have leafless guttering and valleys are to be screened to prevent the build up of flammable material.

- 52. The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.2.2 in Planning for Bushfire Protection 2001.
- 53. All fencing shall be constructed from non-combustible materials.
- 53A Access to the rear of the property shall be provided for fire fighting purposes.
- 53B Roller doors, tilt-a-doors and the like shall be sealed to prevent entry of embers into the structure.

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

Administration

- 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.

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

- 55. 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).
- 56. 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.

57. 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.

Construction

58. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Special

59. 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 ONE ADDITIONAL DWELLING IS CURRENTLY \$12,459.72. 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 - Pymble	\$1,966.00
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

Landscape

60. The following changes shall be shown on the plans submitted with the Construction Certificate:
- Tree 138 - *Eucalyptus pilularis* (Blackbutt) and Tree 148 - *Eucalyptus pilularis* (Blackbutt) shall be retained and shown to be retained all plans;
 - the rainwater re-use tank shall be located in the internal corner between the rear of the garage and the pantry for Residence 2 to provide more space for boundary screen planting.
- 60A To preserve the following tree/s, footings of the proposed shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
T148 <i>Eucalyptus pilularis</i> /adjacent dwelling 2	6.0m

61. 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.

62. An amended 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.

NOTE: 1. Tree 138 - *Eucalyptus pilularis* (Blackbutt) and Tree 148 - *Eucalyptus pilularis* (Blackbutt) are to be retained and shown on the landscape plan, as well as, the screen planting required below and 1 additional indigenous tree.

- *Syzygium luemanni* "aussie compact" to be substituted for *Kunzea ambigua* to western boundary.
- Screen/buffer planting capable of achieving 3.0m in height is to be indicated adjacent to dwelling along the western boundary and also to the northern boundary where the clothes line is indicated.
- To facilitate establishment of screen/buffer planting the proposed clothes lines are to be located to the proposed utility areas.
- Proposed steps landing to dwelling 2 family room are to be identified. The proposed landing and steps are to be designed to avoid any detrimental impact on tree 148.

The plan must be submitted to Council and approved by Council's Landscape Development Officer prior to the release of the Construction Certificate.

63. A plan detailing screen planting of the property's western, northeastern and eastern boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3 metres.
64. The property shall support a minimum number of 8 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.

65. The single tree to be planted shall be an indigenous tree and 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.
66. A CASH BOND/BANK GUARANTEE of \$2,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

67. A CASH BOND/BANK GUARANTEE of \$10,000 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.

No/Tree/Location

138 / *Eucalyptus pilularis* (Blackbutt) / Adjacent to and towards the northern end of the property's western (side) boundary.

140 and 141 / 2x*Eucalyptus pilularis* (Blackbutt) / Adjacent to and near the northern end of the property's western (side) boundary.

148 / *Eucalyptus pilularis* (Blackbutt) / Close to the property's northeastern (rear) boundary.

48 / *Cedrus deodara* (Himalayan Cedar)/Front Western boundary

68. 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.

Engineering

69. 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 343359/0 by AFCE Environment + Building, and shall be advanced for construction issue purposes. 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.
70. 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.
71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

Administration

72. 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.

Pollution

73. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
74. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.

Special

75. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.

Landscape

76. 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.

No./Tree/Location	Radius in Metres
140 / <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to and near the northern end of the property's western (side) boundary.	6.5m
141 / <i>Eucalyptus pilularis</i> (Blackbutt) Close to and near the northern end of the property's western (side) boundary.	5m
142 / <i>Syncarpia glomulifera</i> (Turpentine) Close to and near the northern end of the property's western (side) boundary.	3m
149 / <i>Angophora costata</i> (Sydney Red Gum) Adjacent to the property's central northeastern	5m

(rear) boundary.

77. 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 approved RESIDENCE 1 and 2 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
48 / <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to and near the southern end of the property's western (side) boundary.	5m
138 / <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to and towards the northern end of the property's western (side) boundary.	6m
148 / <i>Eucalyptus pilularis</i> (Blackbutt) Close to the property's northeastern (rear) boundary.	6m

78. 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.
79. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

Administration

80. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

Construction

81. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.

Landscape

82. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.
83. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater 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 instruments for protection of 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 reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

84. 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 database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

85. 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.

86. 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).
87. 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.

88. 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 as-built on-site detention 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 overflow point(s)

89. 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.
- 90. 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.

BUILDING CONDITIONS

Construction

- 91. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - (a) Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- 92. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- 93. 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.
- 94. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

95. 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.

96. 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.

97. 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.

98. 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.

99. 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.

100. 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.
101. 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. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.

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

Against the Resolution: Councillors Andrew, Bennett, Ebbeck and Malicki

61 **Proposed Drainage Easement Over Council Land At Princes Lane, Turramurra (Irish Town Reserve) - Applicant At 93 Bannockburn Road, Turramurra**

File: P33906

For Council to consider granting a drainage easement over Council land known as Irish Town Reserve (Turramurra) to the applicant at 93 Bannockburn Road, Turramurra.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That Council approve the granting of the proposed drainage easement over Council land off Princes Lane, Turramurra, known as Irish Town Reserve to the applicant at 93 Bannockburn Road, Turramurra, as proposed in this Report.
- B. Council issue a public notice as prescribed by Section 47 of the Local Government Act (1993).
- C. That Council authorise the Mayor and General Manager to sign the documentation associated with the proposed easement, should no substantial objections be received following the public notice.
- D. That Council authorise the affixing of the Common Seal to the documentation associated with the proposed easement, should no substantial objections be received following the public notice.

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

Against the Resolution: Councillor Cross

62 **7 Shelby Road, St Ives - Section 82a Review : Dual Occupancy**

File: DA1061/03

Ward: St Ives

Applicant: Helen Blaxland c/- Champion Home Sales P/L

Owner: Mrs Helen Blaxland

The following members of the public addressed Council:

A Girinutis

C Eyre

H Blaxland

G Vardas

To carry out a review under Section 82A of an application for a detached dual occupancy that was refused by Council on 16 August 2004.

Resolved:

(Moved: Councillors Hall/Bennett)

That Council refuse consent to Development Application No 1061/03 for construction of a new dwelling to create a detached dual occupancy on land at No 7 Shelby Street, St Ives, pursuant to Section 82A of the Environmental Planning & Assessment Act 1979, for the following reasons, as previously determined at the Ordinary Meeting of Council on 10 August 2004:

1. The proposal has provided incorrect site analysis under Clause 31 (2)(a) of SEPP 53 depicting the existing single storey house at 128 Collins Road, as two storeys.
2. The proposal will have an unreasonable privacy impact on No 128 Collins Road, where the kitchen window of the proposed dwelling cannot be adequately screened on the south side to minimise the privacy impact on the front entrance and veranda of No 128 conflicts with Clause 32 (b.) of SEPP 53.
3. The proposal will have adverse and unacceptable overshadowing impact on No 128 Collins Road, conflicts with Clause 32 (c)(i).
4. The bulk and scale of the proposed dwelling facing Collins Road is excessive and represents an overdevelopment of the site, conflicts with Clause 32 (design of residential development).
5. The position of the car space in front of the proposed building is detrimental to the streetscape of Collins Road, in conflict with Clause 32 (a)(ii).
6. Approval of the dual occupancy would create an unacceptable subdivision pattern out of keeping with the remainder of the locality.
7. The proposal would create an unacceptable conflict with the aims and objectives of Schedule 9.
8. Inimical to the public interest.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Bennett, Cross, Ebbeck, Hall, Lane

Against the Resolution: Councillors Andrew, Innes, Malicki and Shelley

63 **143 To 145 Pentecost Avenue, Turramurra**

File: DA1692/03

*A motion moved by Councillors Innes and Shelley
to hear a maximum of 3 speakers for and against
was CARRIED UNANIMOUSLY*

The following members of the public addressed Council:

**C Seccombe
J Kaleski
A Rouch
C Young**

To address the issues raised at the site inspection of 13 December 2004 and for Council to determine Development Application No 1692/03, for a childcare centre.

No issues were raised by the Councillors in attendance at the site inspection.

Resolved:

(Moved: Councillors Cross/Ebbeck)

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

THAT Council, as the consent authority, grant development consent to DA 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 – 145 Pentecost Avenue, Turrumurra, 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 must be carried out in accordance with plans labelled Project No. 03069 DA01, dated as revised 12 October 2004, DA02 and DA 03, dated as revised 17 July 2004, all drawn by Noel Bell, Ridley Smith & Partners, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The maximum number of staff on-site at any one time shall be six (inclusive of management). The maximum number of children at the child care centre shall not exceed 36 at any one time and shall comprise the following age groups and numbers.
 - 8 children aged 0-2 years of age
 - 8 children aged 2-3 years of age
 - 20 children aged 3-6 years of age
3. The child care centre shall operate between the hours of 8.30am to 4.30pm, Monday to Friday.
4. Exhaust fans are to be installed in the following areas: nappy change area, kitchen, laundry.
5. A gate is to be installed to prevent children from accessing the Nappy Change Area.
6. The location of the Nappy Change Area and Children Toilets to the Storage Area on the Ground Floor are to be reversed.
7. A child proof, self-locking mechanism gate is to be installed on the lower floor, outdoor play area gate.

8. The proposed landscaping between the garage and front entry to the dwelling shall be deleted and replaced with a pathway for pedestrians. The existing front step to the dwelling is to be modified to better accommodate pedestrian access to the child care centre entrance. To compensate for the removal of the landscaping, the kerb overhangs associated with parking spaces 9 to 11, including a similar depth of the 'turning area', shall comprise soft landscaping.
9. The car parking spaces labelled 9, 10 and 11 located at the rear of the building are to be for the exclusive use of staff. A sign is to be erected at the top of the driveway, leading from the front car park to the rear, indicating that parking for staff vehicles only is available at the rear of the site.
10. The western-most driveway along the front boundary shall be marked with a painted arrow indicating "entry only". The eastern-most driveway shall be marked with a painted arrow indicating "exit only".
11. Car park space No. 4 shall be set back 500mm from the corner of the garage to enable pedestrian access between the car parking space and the building wall.
12. The driveways are to be increased in width at the front fence line to enable sufficient access for the 99.8% vehicle.
13. The pedestrian gate within the front fence is to be located clear of the swing radius of the driveway gates.
14. Pedestrian access to the child care centre from within the front car parking area is to be clearly indicated by painted markings.
15. The front entry gate to the child care centre is to be located at the eastern elevation of the childproof fence to ensure sufficient access for pedestrians given the proximity of car park 7 to the fence.
16. A solid timber, lapped and capped fence, to a height of 1.8m is to be erected along the western, eastern and northern boundaries of the site where currently there is no solid fencing.
17. Translucent glass is to be utilised in all laminated glass fencing and/or acoustic fencing associated with the play areas. Details are to be shown on the Construction Certificate plans.
18. The existing indoor swimming pool shall not be used in association with the child care centre.
19. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate.
20. All building works shall comply with the Building Code of Australia.

21. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
22. 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.
23. 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.
24. 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.
25. **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.

26. 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.
27. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
28. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

29. 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.
30. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
31. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
32. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
33. 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.
34. 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.

35. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
36. 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.

37. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
38. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
39. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
40. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
41. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
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. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
44. 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.
45. 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.
46. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
47. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance.
48. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

49. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, the Principal Certifying Authority shall ensure the correct installation, faithful to the landscape plan and conditions of consent, prior to issue of Final Certificate of Compliance.

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Pentecost Ave. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Tristaniopsis laurina

The trees required to be planted in the nature strip are to be located and maintained in accordance with accepted arboricultural practice to ensure adequate driver sightlines for vehicles entering and exiting the subject site.

50. Stormwater runoff from all roof areas and as much of the front carpark as practicable shall be piped to the street drainage system, via an augmented on site detention system. If required, new drainage line connections to the street system shall conform and comply with the relevant detail within Council's Plan No. 82/024 ("Connections of Drainage Lines to Kerb and R.C.Pipe"). To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
51. Stormwater runoff from the remaining driveway and porous paving at the rear is to be piped/conveyed to the existing dispersal trench system.
52. maintain capacity of the public drainage system, an on-site stormwater detention system must be provided in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-Site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

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.

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

55. 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.
56. 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).

57. 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.
58. The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

59. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
60. A Waste Management Plan shall be prepared in accordance with Council’s Waste Management Development Policy to the satisfaction of Council prior to the issue of a Construction Certificate.
61. An amended 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 amended landscape plan shall be approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

The following amendments shall apply:

- Screen planting capable of attaining a height of 6m shall be planted along the eastern, western and northern boundaries.
 - Screen planting capable of attaining a height of 1.5m shall be planted in the setback between the front fence and the front boundary.
 - Planting shall be in mulched garden beds and be of minimum 200mm pot size and planted at minimum of 1.5m centres.
 - The plan shall include full details of species locations and numbers of proposed plant material as well as documenting existing vegetation on site.
62. The property 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 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.
 63. The 5 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. The trees to be planted are to be of minimum pot size 25 litre and of these trees at least 3 are to be locally occurring native trees and at least 1 of these is to be an *Angophora floribunda*.

64. A cash bond/bank guarantee of \$ 2000 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.

65. 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.

66. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control Plan, and a Parking and Delivery Management Plan specific to the subject site. This is due to the location of the development site near a school, shopping centre or other location of heavy pedestrian generation, and on a collector road. 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 flag person 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 and Parking and Delivery Management 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 and Parking and Delivery Management 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.

- 67. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), written certification from a qualified civil/hydraulic engineer or licensed plumber relating to connection of the additional runoff generated from the rear carpark into the existing dispersal system. To ensure the existing dispersal system is operating satisfactorily, the Certificate shall specify:
 - a. That the dimensions of underground trenches comply with Council's standard trench detail.
 - b. The satisfactory condition of the existing system and satisfactory capacity for continued use after the development and
 - c. That there will be no deleterious effect on existing, adjacent or downstream properties as a result of the continued use of the existing system.

The inspecting engineer/plumber must also include with the certification a sketch plan of the dispersal system.

If the system is not in a satisfactory condition, then new dispersal trenches are to be installed. A typical detail of the trench can be provided by Council upon request.

NOTE 1: The dispersal trenches shall be 700mm wide x 700mm deep x 1.0 metre run/10m² of area to be drained. Trenches shall be fitted with half round PVC (450mm diameter) dome section backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 2: Trenches are to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 3: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the dispersal trench.

NOTE 4: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 5: A certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate with respect to this condition being satisfied.

68. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

69. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hr rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces, except where 100 year capacity is required to minimise overflows, in which case the design rainfall intensity shall be 257mm/hr for five minute duration. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such works will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, grading and provision of stormwater collection devices.

70. Details of the proposed porous paving to the rear carpark are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate. Porous paving is to comply with the requirements of Council's Water Management DCP 47 Section A6.6.
71. 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.
72. 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.
73. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

74. 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

Cinnamomum camphora (Camphor laurel)

Cotoneaster sp. (Cotoneaster)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

Toxicodendron succedaneum (Rhus Tree)

Jasminum polyanthum (Jasminum)

Hedera helix (English Ivy)

75. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
76. 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.
77. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities and the porous paving on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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

78. 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 engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
 - a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plans and Councils Stormwater Management Manual.

BUILDING CONDITIONS

79. The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
80. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
81. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
82. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
83. 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.

84. 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 equaling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

85. 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.

86. 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.

87. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate

attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the child care centre and additions and alterations complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

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

Against the Resolution: Councillors Bennett, Cross, Ebbeck and Malicki

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

(Moved: Councillors Malicki/Innes)

A. That the officer's recommendation be adopted as above.

B. That a contribution by the applicant towards traffic flow calculated as one slow point for Pentecost Avenue.

64 **Draft Local Environmental Plan No 204 - Consideration Of Submissions**

File: S03843

The following members of the public addressed Council:

**J Parker
S McCorquodale
I Glendinning
T Blackie
H Matley
E Friedlaender**

To consider the submissions made in respect of the exhibition of Draft Local Environmental Plan No 204 (DLEP 204) and for Council to resolve the manner in which to finalise the Draft Plan.

Resolved:

(Moved: Councillors Innes/Shelley)

- A. That Council adopt Draft Local Environmental Plan No 204 as exhibited.
- B. That the Draft Local Environmental Plan No 204 as adopted, the Council Planning report and details of submissions be forwarded to the Department of Infrastructure Planning and Natural Resources in accordance with Section 69 of the Environmental Planning and Assessment Act 1979.
- C. That Council request the gazettal of Draft Local Environmental Plan No 204 as adopted.
- D. That all parties who made submissions and those whose lands are the subject of proposed zoning change under the exhibited Draft Local Environmental Plan No 204 be advised of Council's resolution.

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

Against the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck and Malicki

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion and was subject to a Lost Amendment. The Original Motion was:

(Moved: Councillors Malicki/Bennett)

That this matter be deferred until the next Ordinary Meeting of Council.

The Lost Amendment was:

(Moved: Councillors Hall/Shelley)

- A. That Council adopt Draft Local Environmental Plan No 204 as exhibited.
- B. That the Draft Local Environmental Plan No 204 as adopted, the Council Planning report and details of submissions be forwarded to the Department of Infrastructure Planning and Natural Resources in accordance with Section 69 of the Environmental Planning and Assessment Act 1979.

- C. *That Council request the gazettal of Draft Local Environmental Plan No 204 as adopted.*
- D. *That all parties who made submissions and those whose lands are the subject of proposed zoning change under the exhibited Draft Local Environmental Plan No 204 be advised of Council's resolution.*
- E. *That the word "Strata" be removed from clauses 2 & 5.*

**Council adjourned for a short interval at 9.27pm
after a Motion moved by Councillors Hall and Lane was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 9.41pm**

Those present were:

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

65 **Meeting Cycle - April 2005**

File: S02355

To consider amending the Meeting Cycle for April 2005 because of the school holidays.

Resolved:

(Moved: Councillors Innes/Shelley)

That Council amend its Meeting Cycle for April 2005, as follows:

5 April 2005 - Ordinary Meeting of Council
12 April 2005 - (transferred to 5 April 2005)
26 April 2005 - Ordinary Meeting of Council

CARRIED UNANIMOUSLY

Code Of Conduct

File: S02554

To consider Council's Code of Conduct, incorporating the Model Code of Conduct from the Department of Local Government.

Resolved:

(Moved: Councillors Bennett/Malicki)

That the proposed Code of Conduct be placed on public exhibition and a further report giving recommendations on the process of recording interaction between Councillors and developers be submitted to Council following the public exhibition period.

CARRIED UNANIMOUSLY

Code Of Meeting Practice

File: S02211

To give consideration to adopting an amended Code of Meeting Practice.

Resolved:

(Moved: Councillors Malicki/Innes)

- A. That the amended Code of Meeting Practice be placed on public exhibition for a period of 28 days with the following amendments:

- **2.2 Agenda & Business Papers for Council Meetings (Page 10)**

Item B(1) to (4) should be policy not regulation.

- **9.1 Voting at Council Meetings (Page 21)**

The following wording "**Councillors names to be recorded**" is to be included under Council's Associated Policy & Notes, for example:

- Where a matter is not **CARRIED UNANIMOUSLY**, the Chairperson announce the names of Councillors who voted against a motion/amendment and the **Councillors names to be recorded as per Clause 24(4) of the Local Government (Meetings) Regulation 1999**.

- B. That a further report be submitted following exhibition of the Code.

CARRIED UNANIMOUSLY

Policy For The Payment Of Expenses And Provision Of Facilities To Councillors

File: S03779

To consider submissions received as a result of public notification of proposed amendments to Council's Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Resolved:

(Moved: Councillors Innes/Hall)

That Council's Policy for the Payment of Expenses and Provision of Facilities to Councillors be adopted with the following amendments:

- "Tea and Coffee" be deleted from 2.C vi and replace with the word "appropriate" and be moved to the disposable section.
- 2.A 10 & 11: That the gum boots, the rain coats and refreshments be moved to the disposable section.
- Change the wording from "during Council working hours" to while carrying out Councillors civic duties.
- Copies of the electoral rolls to be made available to all Councillors for all wards unless otherwise prohibited by privacy legislation.
- 2.C ii Returnable Section: "Appropriate refreshments will be provided by Council" to be deleted.

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

Against the Resolution: Councillor Bennett

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

(Moved: Councillors Bennett/Malicki)

That the matter be deferred so that a report can be brought back that will investigate the cap on the total indebtedness in accordance with clause 8.2.

Options For Undergrounding Of Powerlines And Cables In LEP194, LEP200 And Business Centres Covered In Stage 2

File: S02051

To report on options for funding of undergrounding power lines and cables for future developments under LEP194 and LEP200 and in Business Centres covered by Stage 2 of the Residential Development Strategy.

Resolved:

(Moved: Councillors Bennett/Hall)

- A. That when Section 94 Consultants are appointed that they explore options for undergrounding powerlines in Stage 2 Business Centres.
- B. That decorative street lighting be incorporated as part of the development of a public domain manual for business centres associated with masterplanning.

CARRIED UNANIMOUSLY

70 **Squadron Court - Road Naming**

File: S03211

To report on the proposal to name a road in the new Lindfield Heights subdivision running off Bradfield Road 'Squadron Court'.

Resolved:

(Moved: Councillors Shelley/Innes)

That the matter be deferred so that the issues relating to street names and house numbers can be addressed and a report be brought back to Council.

CARRIED UNANIMOUSLY

71 **Proposed Easement And Connection To Drainage System Over A Pedestrian Pathway To Benefit 27 Margaret Street, Roseville**

File: P51068

For Council to consider granting a drainage easement over a Council land to the applicant at 27 Margaret Street, Roseville and connection to stormwater Council drainage system.

Resolved:

(Moved: Councillors Shelley/Innes)

That the matter be deferred for further investigation.

CARRIED UNANIMOUSLY

Councillor Bennett, Cross and Ebbeck withdrew

72 **Representation On The Ku-ring-gai Youth Development Service Inc. Management Committee**

File: P55058

For Council to determine a Councillor representative for the Ku-ring-gai Youth Development Service Inc. (KYDS) Management Committee.

Councillors Shelley and Hall were nominated as representatives for the Ku-ring-gai Youth Development Service Inc Management Committee.

Resolved:

(Moved: Councillors Innes/Andrew)

That Councillor Shelley be appointed to the Ku-ring-gai Youth Development Service Inc. Management Committee.

For the Resolution: Councillors Andrew, Innes, Malicki and Shelley

Against the Resolution: The Mayor, Councillor A Ryan, Councillors Hall, Lane

Councillors Bennett, Cross and Ebbeck returned

QUESTIONS WITHOUT NOTICE

73 **8 Woodlands Road, Lindfield - Report to Council**

File: DA0935/04

Question Without Notice from Councillor G Innes

Are you able to advise the status of the Development Application for 8 Woodlands Avenue in Lindfield for which there was a site inspection and which I had expected to come back to this evening's meeting of Council?

Answer by Director Development & Regulation

I asked the same question this evening. I will look into that tomorrow.

74 **Land & Environment Court Legal Matters - Request for Monthly Updates**

File: S02466

Question Without Notice from Councillor E Malicki

Can we please receive at least a monthly update on Land & Environment Court Cases and can copies of all Land & Environment Court judgements be placed in the Councillors' Room?

Answer by the Mayor

The General Manager has agreed to that.

75 **Clean Up Australia Campaign - Sunday, 6 March 2005 - Appreciation**

File: S03183

Question Without Notice from Councillor T Hall

As a participant in this Campaign last Sunday morning in Mona Vale Road, St Ives, I want to commend the work undertaken by the Campaign supervisors in the Ku-ring-gai LGA and by Mr Colin Wright and his Council staff who disposed of the collected waste on Monday.

Would the Mayor consider writing to those concerned expressing Council's appreciation of this work?

Answer by the Mayor

Absolutely.

76 **1 & 3 Nulla Nulla Street, Turramurra - Any Application for Rezoning**

File: P54151, S02036

Question Without Notice from Councillor N Ebbeck

Could the Director of Planning ask DIPNR and or the Minister of Planning whether any application for the rezoning of houses 1 and 3 Nulla Nulla Street, Turramurra have been requested?

Answer by Director Planning & Environment

I spoke to the Department (DIPNR) today. They are not aware of the issue at all and the comment that they made was that they could not possibly imagine the Minister would consider such a rezoning.

The Meeting closed at 11.50pm

The Minutes of the Ordinary Meeting of Council held on 8 March 2005 (Pages 1 - 100) were confirmed as a full and accurate record of proceedings on 22 March 2005.

General Manager

Mayor / Chairperson

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Code of Meeting Practice

Ordinary Meeting of Council,
Minute No 67, 8 March 2005

Exhibition Copy

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KU-RING-GAI COUNCIL

AMENDED CODE OF MEETING PRACTICE

(This code provides guidelines for the procedure
for the conduct of Council and Committee meetings)

Note: Deleted text is in red strikethrough & inserted text is in blue

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>PART A: AIM</p> <p>The aim of this Code is:</p> <p>To ensure that Council and Committee meetings are held in a manner, which is orderly, efficient and earns the respect of the Ku-ring-gai Community.</p> <p>To ensure that Council and Committee meetings display open government and maximise access and participation by the community.</p> <p>To ensure that Councillors conduct themselves with high standards of behaviour, making a positive contribution to all debates and decisions.</p> <p>To ensure that Council meetings comply with the basic organisational principle of the Local Government Act 1993 with Councillors not involving themselves in the day-to-day administration of Council matters, and meetings restricting themselves to matters of policy, direction, resource allocation and statutory decisions by Council.</p> <p>PART B: STATUTORY PROVISIONS</p> <p>The Local Government Act, 1993 contains a number of provisions which govern aspects of Council's meeting procedures. These are presented throughout the Code in italics (insert) in the column to the left.</p> <p>Attention is also drawn to the provisions of Chapter 14 the Local Government Act 1993 dealing with the declaration of pecuniary interest by Councillors.</p> <p>The Local Government (Meetings) Regulation 1999 details a number of matters relating to aspects of Council's meeting procedures not included in the Act. These are also presented throughout the Code in italics (insert) in the column to the left.</p> <p>The Local Government Act 1993 provides that Council may adopt a Code of Meeting Practice. The provisions relating to this Code are:</p>

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Section 360 Local Govt Act 1993	Part B Statutory Provisions - Conduct of meetings of councils and committees <ol style="list-style-type: none"> (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors. (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them. (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it. 	
Section 361 Local Govt Act 1993	Part B Statutory Provisions - Preparation, public notice and exhibition of draft code <ol style="list-style-type: none"> (1) Before adopting a code of meeting practice, a council must prepare a draft code. (2) The council must give public notice of the draft code after it is prepared. (3) The period of public exhibition must not be less than 28 days. (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council. (5) The council must publicly exhibit the draft code in accordance with its notice. 	
Section 362 Local Govt Act 1993	Part B Statutory Provisions - Adoption of draft code <ol style="list-style-type: none"> (1) <i>After considering all submissions received by it concerning the draft code, the council may decide:</i> <ol style="list-style-type: none"> (a) <i>to amend those provisions of its draft code that supplement the regulations made for the purposes of Section 360; or</i> (b) <i>to adopt the draft code as its code of meeting practice.</i> (2) <i>If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.</i> 	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Section 363 Local Govt Act 1993	Part B Statutory Provisions - Amendment of the code <i>A council may amend a code adopted under this Part by means only of a code so adopted.</i>	
Section 364 Local Govt Act 1993	Part B Statutory Provisions - Public availability of the code <i>(1) The code of meeting practice adopted under this Division by a council must be available for public inspection free of charge at the office of the council during ordinary office hours.</i> <i>(2) Copies of the code must be available free of charge or, if the council determines, on payment of the approved fee.</i>	
		<ul style="list-style-type: none"> • In accordance with Section 360(2) of the Local Government Act 1993, should there be an inconsistency between this Code of Meeting Practice and the Local Government (Meetings) Regulation 1999, the provisions of the Meetings Regulations shall prevail.
Section 369 Local Govt Act 1993	DEFINITIONS - PART C: CODE OF MEETING PRACTICE 1.1 Meetings - Chairperson <i>(1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.</i> <i>(2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.</i>	
Cl.9 Local Govt (Meetings) Regulation 1999	<i>(1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.</i> <i>(2) The election must be conducted:</i> <i>(a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election; or</i> <i>(b) if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.</i> <i>(3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.</i>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(4) <i>For the purposes of subclause (3), the person conducting the election must:</i></p> <p>(a) <i>arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and</i></p> <p>(b) <i>then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.</i></p> <p>(5) <i>The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.</i></p>	
Cl.10 Local Govt (Meetings) Regulation 1999	<p>1.2 Chairperson to have Precedence</p> <p><i>When the chairperson rises during a meeting of council:</i></p> <p>(a) <i>any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and</i></p> <p>(b) <i>every councillor present must be silent to enable the chairperson to be heard without interruption.</i></p>	
Cl.11 Local Govt (Meetings) Regulations 1999	<p>1.3 Chairperson's Duty with respect to Motions</p> <p>(1) <i>It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.</i></p> <p>(2) <i>The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.</i></p> <p>(3) <i>Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.</i></p>	
Section 368 Local Govt Act 1993	<p>1.4 Quorum for a Meeting</p> <p>The quorum for a meeting of the Council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.</p>	
Cl.6 Local Govt (Meetings) Regulation 1999	<p>(1) <i>A meeting of a council must be adjourned if a quorum is not present:</i></p> <p>(a) <i>within half an hour after the time designated for the holding of the meeting; or</i></p> <p>(b) <i>at any time during the meeting.</i></p> <p>(2) <i>In either case, the meeting must be adjourned to a time, date and place fixed:</i></p> <p>(a) <i>by the chairperson; or</i></p> <p>(b) <i>in his or her absence - by the majority of the councillors present; or</i></p>	

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	<p>(c) <i>failing that, by the general manager.</i></p> <p>(3) <i>The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.</i></p>	
Section 365 Local Govt Act 1993	<p>1.5 Frequency of Meetings</p> <p><i>The council is required to meet at least 10 times each year, each time in a different month.</i></p>	<ul style="list-style-type: none"> The year referred to in Section 365 of the Local Government Act 1993 is 1 July to 30 June each year. Council's meeting cycle, adopted on 7 September 2004 (Minute No OMC.453), be as follows: <ul style="list-style-type: none"> 2nd Tuesday - 7.00pm - Ordinary Meeting of Council 4th Tuesday - 7.00pm - Ordinary Meeting of Council Where necessary, Council may by resolution vary the above Council meeting cycle.
Section 366 Local Govt Act 1993	<p>1.6 Calling of Extraordinary Meeting on Request by Councillors</p> <p><i>If the mayor receives a request in writing signed by a least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.</i></p>	<p>B. Where it appears during a meeting that the amount of unfinished business at the conclusion of a Council meeting is such that it necessitates the calling of an Extraordinary meeting, the Chairperson may, upon receipt of a written request from at least two Councillors during the meeting, set the time and place of the Extraordinary meeting at the conclusion of the meeting.</p> <p>C. The Mayor or the General Manager may call an Extraordinary meeting of Council on any matter or matters considered necessary.</p>
Section 367 Local Govt Act 1993	<p>1.7 Giving Notice of Meetings</p> <p>(1) <i>The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.</i></p> <p>(2) <i>Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.</i></p> <p>(3) <i>A notice under this section and the agenda for, and the business papers relating to the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the business papers in that form.</i></p>	
Cl.14 Local Govt (Meetings) Regulation Act 1999	<p>(1) <i>A council must not transact business at a meeting of the council:</i></p> <p>(a) <i>unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code</i></p>	

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	<p><i>of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and</i></p> <p><i>(b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.</i></p> <p><i>(2) Subclause (1) does not apply to the consideration of business at a meeting if the business:</i></p> <p><i>(a) is already before, or directly relates to a matter that is already before, the council; or</i></p> <p><i>(b) is the election of a chairperson to preside at the meeting as provided by clause 9(1); or</i></p> <p><i>(c) is a matter or topic put to the meeting by the chairperson in accordance with clause 16; or</i></p> <p><i>(d) is a motion for the adoption of recommendations of a committee of the council.</i></p> <p><i>(3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</i></p> <p><i>(a) a motion is passed to have the business transacted at the meeting; and</i></p> <p><i>(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p><i>Such a motion can be moved without notice.</i></p> <p><i>(4) Despite clause 22* only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.</i></p> <p><i>*(refer to Point 8. of this code)</i></p>	
<p>Cl.35 Local Govt (Meetings) Regulation 1999</p>	<p><i>Notice of Committee Meetings to be given</i></p> <p><i>(1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:</i></p> <p><i>(a) the time and place at which and the date on which the meeting is to be held; and</i></p> <p><i>(b) the business proposed to be transacted at the meeting.</i></p> <p><i>(2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.</i></p>	<ul style="list-style-type: none"> That notice of Ordinary and Extraordinary meetings of the Council shall be given by facsimile or delivery to the home address of each member of the Council of a written notice of the meeting under the hand of the General Manager, and at least three days notice shall occur between the day on which the notice of meeting is issued and the day on which the meeting will be held; provided that where, in the opinion of the Mayor after receiving notice in accordance with Section 366 of the Local Government Act 1993, there is urgent need in accordance with Section 367(2) to call an Extraordinary meeting of the Council, he/she may direct the General Manager to do so and the General Manager

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		<p>shall thereupon call such meeting by notice delivered as aforesaid, giving at least twenty-four clear hours notice thereof; and provided further that, where all members of the Council are present within the Council Chamber or its immediate environs at 818 Pacific Highway, Gordon (disregarding any extraordinary vacancy or the absence of any member of the Council to whom leave of absence has previously been given by resolution of the Council for any meeting of the Council held on such days or in respect of a period that includes such day) and all members so present agree to the immediate holding of an Extraordinary meeting of the Council and the business to be transacted thereat, a meeting for the transaction of such business may thereupon be convened by recitation by the General Manager of the notice convening such meeting, and the business proposed to be considered thereat.</p>
		<p>1.8 Mode of Addressing Council</p> <ul style="list-style-type: none"> • A member shall on all occasions, address their remarks through the chair. • A member shall on all occasions, when in Council address and speak of other members and staff, by their official designations, eg Mayor, Councillor, General Manager, etc. • A member shall on all occasions, when in Council, rise in his/her place and stand while speaking.
		<p>1.9 Relevance in Debate</p> <p>Councillors, in the course of debate, shall not introduce material which is irrelevant to the item under discussion. If a Councillor is called to order for a second time in a single speech for introducing irrelevant material, he/she shall immediately cease speaking and resume his/her seat. Failure to do so constitutes an act of disorder.</p>
		<p>1.10 Petitions</p> <ul style="list-style-type: none"> • Where the petition has already been placed upon an agenda, the Councillor presenting the petition is to briefly refer to the subject matter and move a motion as to how the matter is to be determined by Council. The usual motion would be along the lines of: "That the petition be received and referred to the appropriate officer of Council for attention." • Where the petition has not been placed upon an agenda the Councillor presenting the petition is to refer briefly to the subject matter of the petition without necessarily reading the

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		<p>petition and then hand it to the Mayor for subsequent reading by the General Manager (if necessary), and the Councillor may move a motion as detailed in A. above.</p> <ul style="list-style-type: none"> Only when the petition is urgent or refers to business already placed upon the agenda for that meeting is a Councillor to recommend that action be taken on the basis of the petition. That no Address the Council be allowed in relation to Petitions when initially presented to Council.
<p>Section 376 Local Govt Act 1993</p>	<p>1.11 Attendance of General Manager at Meetings</p> <p>(1) <i>The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.</i></p> <p>(2) <i>The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.</i></p> <p>(3) <i>However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of the employment of the general manager.</i></p>	
<p>Cl.12 Local Govt (Meetings) Regulation 1999</p>	<p>2.1 Business - Order of</p> <p>(1) <i>At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.</i></p> <p>(2) <i>The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.</i></p> <p>(3) <i>Despite clause 23* only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.</i></p>	<ul style="list-style-type: none"> The order of business for Ordinary meetings is to be in accordance with the following: <ol style="list-style-type: none"> Meetings are to commence with a Prayer, then the following acknowledgement by the Mayor: <p>"On behalf of Council I recognise the traditional custodians of the land, the Guringai people on whose land we stand".</p> Apologies Declaration of Pecuniary Interest Reports to be considered in closed meeting Address the Council Documents circulated to Councillors Confirmation of Minutes Minutes from the Mayor Petitions Reports from Standing Committees

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>11. General Business –</p> <ul style="list-style-type: none"> i. The Mayor to invite Councillors to nominate any items on the Agenda that they wish to have a site inspection. ii. Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate. <p>12. Extra reports circulated at meeting</p> <p>13. Motions of which due notice has been given.</p> <p>14. Business Without Notice - Matters of great urgency</p> <p>15. Questions Without Notice</p> <p>16. Inspections Committee - Setting of date time and rendezvous</p> <p>17. Confidential Business - to be dealt with in closed meeting (Press and Public excluded)</p> <ul style="list-style-type: none"> • This order of business may be altered by a motion. The motion must be seconded, only the mover of the motion may speak. • The order of business for an Extraordinary meeting shall be determined by the General Manager having regard to the order of business for Ordinary meetings and the business to be transacted at the Extraordinary meeting.
<p>Cl.13 Local Govt (Meetings) Regulation 1999</p>	<p>2.2 Agenda & Business Papers for Council Meetings</p> <p>(1) <i>The general manager must ensure that the agenda for a meeting of the council states:</i></p> <ul style="list-style-type: none"> (a) <i>all matters to be dealt with arising out of the proceedings of former meetings of the council; and</i> (b) <i>if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting; and</i> (c) <i>subject to subclause (2), any business of which due notice has been given.</i> <p>(2) <i>The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the</i></p>	<ul style="list-style-type: none"> • The following procedure is to be observed in relation to the distribution of business papers: <ul style="list-style-type: none"> 1. That Council business papers and reports be delivered to Councillors at least 3 days before the scheduled commencement of a meeting to an address within the boundaries of the Council area. Where a Councillor requires delivery to an address outside the Council area, the business paper be posted with the first available mail following completion of the papers unless a Councillor makes prior arrangements with the General Manager for delivery of the business paper to an address outside the Council area at the Councillor's own expense.

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	<p><i>business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.</i></p> <p>(3) <i>The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.</i></p> <p>(4) <i>The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.</i></p> <p>(5) <i>Nothing in this clause limits the powers of the chairperson under clause 16.</i></p> <p>That where a matter is considered to be of major significance (by the Mayor and/or) General Manager, the report is to be circulated to Councillors as a "Confidential Matter" at least 10 days prior to the matter being considered by Council.</p>	<p>2. That full copies of the Council Business Paper and reports be released to local press on the Monday morning prior to each Council meeting on the understanding that they would honour an embargo against publishing from the Business Paper and reports until midnight of the Tuesday of the Council meeting, or such earlier time in the evening that Council authorised released of individual reports supporting the Business Paper.</p> <p>3. Confidential Business Papers are to be distributed only to all Councillors and such senior Council staff as determined by the General Manager.</p> <p>4. That where a Councillor is, or is likely to be the subject of proceedings by or against the Council, any legal advice, reports and correspondence dealing with those proceedings or likely proceedings be withheld from the Business Paper of that Councillor.</p>
Cl.14(3)&(4) Local Govt (Meetings) Regulation 1999	<p>2.3 Giving Notice of Business</p> <p>3. <i>Despite subclause (1) business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</i></p> <p>(a) <i>a motion is passed to have the business transacted at the meeting; and</i></p> <p>(b) <i>the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p><i>Such a motion can be moved without notice.</i></p> <p>4. <i>Despite clause 23, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.</i></p>	<p>The Chairperson should consider the matter to be of great urgency:</p> <p>a. when it requires a Council resolution in the first instance to action, and</p> <p>b. only if it could not be deferred until the next Ordinary Meeting Council.</p>
		<p>2.4 Late Reports</p> <p>As circumstances necessitate reports not listed for consideration on a business paper may be tabled at Ordinary or Committee meetings upon approval of the General Manager and will be dealt with at the conclusion of General Business to enable Councillors to read the report.</p>
Cl.15 Local Govt (Meetings) Regulation 1999	<p>2.5 Agenda for Extraordinary Meetings</p> <p>(1) <i>The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(2) <i>Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</i></p> <p>(a) <i>a motion is passed to have the business transacted at the meeting; and</i></p> <p>(b) <i>the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</i></p> <p><i>Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.</i></p> <p>(3) <i>Despite clause 23, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.</i></p>	
<p>Cl.45 Local Govt (Meetings) Regulation 1999</p>	<p>2.6 Disclosure & Misuse of Information</p> <p><i>For the purposes of section 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.</i></p>	
<p>Section 664 Local Govt Act 1993</p>	<p>(1) <i>A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:</i></p> <p>(a) <i>with the consent of the person from whom the information was obtained; or</i></p> <p>(b) <i>in connection with the administration or execution of this Act; or</i></p> <p>(c) <i>for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or</i></p> <p>(d) <i>in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or</i></p> <p>(e) <i>with other lawful excuse.</i></p> <p>(1A)<i>In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with Section 10A(1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.</i></p> <p>(1B)<i>Subsection (1A) does not apply to:</i></p> <p>(a) <i>the report of a committee of a council after it has been presented to the council; or</i></p>	

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	<p>(b) disclosure made in any of the circumstances referred to in subsection (1)(a)-(e); or</p> <p>(c) disclosure made in circumstances prescribed by the regulations.</p> <p>(d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Section 12.</p> <p>(2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.</p> <p>(3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:</p> <p>(a) the determination of an application for an approval; or</p> <p>(b) the giving of an order.</p> <p>Maximum penalty: 50 penalty units.</p>	
		<p>2.7 Reports of Councillors</p> <p>A. Councillors may provide a written report to Council on proceedings of meetings attended on behalf of Council.</p> <p>B. Such reports are to be received by the General Manager no later than 12 noon on the WEDNESDAY preceding (insert) MONDAY, 8 DAYS PRIOR TO the Council meeting.</p> <p>C. Such reports to be reported in documents attached to the Business Paper as COUNCILLOR INFORMATION.</p>
<p>Section 375 Local Govt Act 1993</p>	<p>3.1 Minutes</p> <p>(1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.</p> <p>(2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.</p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
<p>Section 12 Local Govt Act 1993</p>	<p>3.2 Inspection of the Minutes of a Council or Committee</p> <p>Section 12 of the Local Government Act 1993 confers a right to inspect the minutes of a Council or Committee of a Council.</p> <p>(1) <i>Everyone is entitled to inspect the current version of the following documents free of charge:</i></p> <ul style="list-style-type: none"> • <i>agendas and business papers for Council and Committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public).</i> • <i>minutes of Council and Committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting.</i> • <i>applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents</i> • <i>development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents.</i> <p>(1A) <i>Despite subsection (1) and the other provisions of this Act, a person does not have the right to inspect so much of a development application, or an application under Part 1 of Chapter 7 for approval to erect a building, as consists of:</i></p> <p>(a) <i>the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or</i></p> <p>(b) <i>commercial information, if the information would be likely:</i></p> <p style="padding-left: 40px;">(i) <i>to prejudice the commercial position of the person who supplied it, or</i></p> <p style="padding-left: 40px;">(ii) <i>to reveal a trade secret.</i></p> <p>2. <i>Everyone is entitled to inspect free of charge:</i></p> <p>(a) <i>a document that was replaced by a current document referred to in subsection (1); and</i></p> <p>(b) <i>if a document referred to in subsection (1) is produced annually - the corresponding document produced for the previous year.</i></p> <p>3. <i>That, with regard to access to Council's Minute Books, Section 12 (3) of the Local Government Act 1993 be adhered to with the official Minute Books only being available during Council's</i></p>	

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	<p><i>normal business hours (ie 8.30am to 4.30pm Monday to Friday) and under constant supervision.</i></p> <p>4. <i>The council must allow inspection of versions of the documents other than the current and immediately preceding versions if those other versions are reasonably accessible.</i></p> <p>5. <i>The Council must allow inspection of its other documents free of charge unless, in the case of a particular document, it is satisfied that allowing inspection of the document would, on balance, be contrary to the public interest.</i></p> <p>6. <i>However, subsection (5) does not apply to the part (if any) of a document that deals with any of the following:</i></p> <p style="padding-left: 40px;">(a) <i>personnel matters concerning particular individuals;</i></p> <p style="padding-left: 40px;">(b) <i>the personal hardship of any resident or ratepayer,</i></p> <p style="padding-left: 40px;">(c) <i>trade secrets,</i></p> <p style="padding-left: 40px;">(d) <i>a matter the disclosure of which would:</i></p> <p style="padding-left: 80px;">(i) <i>constitute an offence against an Act, or</i></p> <p style="padding-left: 80px;">(ii) <i>found an action for breach of confidence.</i></p> <p>7. <i>For the purpose of determining whether allowing inspection of a document would be contrary to the public interest, it is irrelevant that the inspection of the document may:</i></p> <p style="padding-left: 40px;">(a) <i>cause embarrassment to the Council or to Councillors or to employees of the Council, or</i></p> <p style="padding-left: 40px;">(b) <i>cause a loss of confidence in the Council, or</i></p> <p style="padding-left: 40px;">(c) <i>cause a person to misinterpret or misunderstand the information contained in the document because of an omission from the document or for any other reason.</i></p> <p>Note: Subsection (7) is in similar terms to Section 59A (Public Interest) of the Freedom of information Act 1989</p>	
<p>Section 12A Local Govt Act 1993</p>	<p>Restriction of access to information</p> <p>(1) <i>If the General Manager or any other member of the staff of a Council decides that access to a document or other information held by the Council should not be given to the public or a Councillor, the person concerned must provide the Council with written reasons for the restriction.</i></p>	

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	<p>(2) <i>The reasons must be publicly available.</i></p> <p>(3) <i>The Council must review any such restriction no later than 3 months after it is imposed.</i></p> <p>(4) <i>The Council must, at the request of any person made after the expiry of a period of 3 months after that review (or of a period of 3 months after the most recent of any subsequent reviews), carry out a further review of the restriction.</i></p> <p>(5) <i>The Council must remove the restriction if, at any time:</i></p> <p style="padding-left: 20px;">(a) <i>it finds that there are no grounds for the restriction, or</i></p> <p style="padding-left: 20px;">(b) <i>access to the relevant document or other information is obtained under the Freedom of Information Act 1989.</i></p> <p>(6) <i>A review is not required under this section if the restriction concerned has been removed.</i></p>	
<p>Section 12B Local Govt Act 1993</p>	<p>Copies of Documents</p> <p>(1) <i>A right under this Act to inspect a document includes the right to take away a copy of the document.</i></p> <p>(2) <i>Accordingly, a Council must have a copy of all relevant documents available for copying by, or on behalf of, any person who asks for one.</i></p> <p>(3) <i>The copies may be taken away either free of charge or on payment of reasonable copying charges; as the Council chooses (except as otherwise specifically provided by or under this Act).</i></p> <p>(4) <i>This section does not apply to the following:</i></p> <p style="padding-left: 20px;">(a) <i>the residential roll of electors referred to in Section 302(1),</i></p> <p style="padding-left: 20px;">(b) <i>the resumes of candidates for election referred to in Section 308,</i></p> <p style="padding-left: 20px;">(c) <i>building certificates.</i></p> <p>Note: Section 174(3) provides that a person may obtain a copy of a building certificate from the Council's record with the consent of the owner of the building (and on payment of the approved fee) – Section 174 has been repealed, however, this note was not deleted from Section 12B. See Section 149G(3) of the Environmental Planning & Assessment Act 1979 for a similar provision:</p> <p><i>A person may obtain a copy of a building certificate from the record with the consent of the owner of the building and on payment of the fee prescribed by the regulations.</i></p>	

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Cl.16 Local Govt (Meeting) Regulations 1999	3.3 Official Minutes (1) <i>If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.</i> (2) <i>Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.</i> (3) <i>A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.</i>	<ul style="list-style-type: none"> Mayoral Minutes shall always be in writing and signed by the Mayor.
Cl.17 Local Govt (Meeting) Regulation 1999	4.1 Report of a Department of Local Government Representative to be tabled at Council Meetings <i>When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:</i> (a) <i>is laid on the table at that meeting; and</i> (b) <i>is subsequently available for the information of councillors and members of the public at all reasonable times.</i>	
		5.1 Notices of Motion A. Notices of Motion in writing and signed by the Councillor are to be delivered or posted to the General Manager in order to reach her in the case of Council/Committee meetings not later than 2.00 pm on the Wednesday preceding (insert) Monday, 8 days prior to such meetings. B. Only the actual wording of the Notice of Motion will appear on the business paper, any background notes will be circulated as an attachment to the Business Paper. C. That Notices of Motion submitted by Councillors be limited to two (2) per Councillor per meeting.
Cl.18 Local Govt (Meetings) Regulation 1999	5.2 Notice of Motion - Absence of Mover <i>In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:</i> (a) <i>any other councillor may move the motion at the meeting; or</i>	5.3 Notice of Motion - Unopposed Where there is no objection to a Notice of Motion being taken as a formal motion, then the Chairperson will put the Motion to the vote without debate.

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	<i>(b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.</i>	
Cl.19 Local Govt (Meetings) Regulation 1999	5.4 Motion to be Seconded <i>A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 16 (2)* and 23(5)^ .</i>	*(refer to Point 3.3 (2) of this Code) ^(refer to Point 8 (5) of this Code).
Cl.20 Local Govt (Meetings) Regulation 1999	5.5 How Subsequent Amendments may be Moved <i>If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more that one motion and one proposed amendment can be before the council at any one time.</i>	
Cl.21 Local Govt (Meetings) Regulation 1999	5.6 Motions of Dissent (1) <i>A councillor can without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.</i> (2) <i>If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.</i> (3) <i>Despite clause 23,* only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.</i>	
		5.7 Motions of Recommittal <ul style="list-style-type: none"> That where a Councillor or group of Councillors, feel prior to the completion of a meeting of Council, that a decision made earlier in the meeting is lacking in judgement or precision a formal written Notice of Rescission shall be completed and brought to the immediate attention of Council. (insert) The Notice of Rescission should be dealt with as Business Without Notice in accordance with Clause 14 of the Local Government (Meetings) Regulation 1999.
		5.8 Motions of Adjournment Discussion shall not be permitted upon any motions for adjournment of the Council. If a

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		<p>motion for adjournment, when put to the vote, is lost, then the meeting shall continue and no further motion for adjournment may be put for a period of not less than half an hour.</p>
<p>Section 371 Local Govt Act 1993</p>	<p>6.1 What Constitutes a Decision of the Council</p> <p><i>A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.</i></p>	
<p>Section 372 Local Govt Act 1993</p>	<p>6.2 Rescinding or Altering Resolutions of the Council</p> <p>(1) <i>A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under Section 360 and, if applicable, the Council's code of meeting practice.</i></p> <p>(2) <i>If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.</i></p> <p>(3) <i>If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.</i></p> <p>(4) <i>A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.</i></p> <p>(5) <i>If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.</i></p> <p>(6) <i>A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes.</i></p> <p>(7) <i>The provisions of this section concerning negatived motions do not apply to motions of adjournment.</i></p>	<ul style="list-style-type: none"> Pursuant to Section 372 of the Local Government Act 1993 a Notice of Motion to alter a Resolution (or a Notice of Motion which has the same effect as a Motion which has previously been negatived) must be signed by three Members if within three months of the original Resolution. Notice of Rescission must be placed upon Council's Agenda, or it can be brought forward as a matter of great urgency in terms of Clause 14(3) of the Local Government (Meetings) Regulation 1999, if Council so resolves. A Mayoral Minute cannot be used as a device to bring forward a Rescission Motion, although if a Mayoral Minute is also signed by two others, it can be regarded as a Notice of Rescission and by virtue of one of the signatories being the Mayor, prominence on the Agenda can be achieved. <p>E. It is confirmed that if the Mayor is able to activate a Committee of Council to report in the required fashion, a Rescission Motion may be brought at any time. Minutes of the Council meeting must reveal that the Committee was aware of the rescission nature of the recommendation.</p> <ul style="list-style-type: none"> For the purposes of Section 372(6) of the Local Government Act (above) Council sitting as Committee of the Whole is regarded as a Committee of Council. If need be, Council may call an Extraordinary meeting in order to consider a Notice of Rescission. A Rescission Motion presented to Council prior to the closing of the meeting, has the effect of stopping all action on the decision made earlier in the evening. The Mayor or Councillors have absolutely no authority to prevent implementation of a Resolution of Council where a Notice of Rescission is presented at some time after closure of the meeting.

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		<ul style="list-style-type: none"> Where a Resolution of Council involves the granting/refusal of a consent (such as development consent or building approval) or any other formal statutory licence giving rise to legal rights, and such decision has been communicated in writing to the Applicant, Council's decision is incapable of being revoked even if a Rescission Motion comes to light at some future stage. If a Notice of Rescission is lodged in relation to a matter which involves a Development Approval, the Notice of Rescission should not be dealt with by Council until the applicant and any objectors who have addressed Council on the matter are informed in writing of the Notice of Rescission and the meeting date at which the Notice of Rescission is to be considered.
<p>Section 374 Local Govt Act 1993</p>	<p>6.3 Certain Circumstances do not Invalidate Council Decisions</p> <p><i>Proceedings at a meeting of a council or council committee are not invalidated because of:</i></p> <p>(a) <i>a vacancy in a civic office; or</i></p> <p>(b) <i>a failure to give notice of the meeting to any councillor or committee member; or</i></p> <p>(c) <i>any defect in the election or appointment of a councillor or committee member; or</i></p> <p>(d) <i>a failure of a councillor or a committee member to disclose a pecuniary interest at a council or committee meeting in accordance with section 451; or</i></p> <p>(e) <i>a failure to comply with the code of meeting practice.</i></p>	
<p>Cl.22 Local Govt (Meetings) Regulation 1999</p>	<p>7. Questions may be put to Councillors & Council Employees</p> <p>(1) <i>A councillor</i></p> <p>(a) <i>may through the chairperson, put a question to another councillor; and</i></p> <p>(b) <i>may, through the general manager, put a question to a council employee.</i></p> <p>(2) <i>However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.</i></p> <p>(3) <i>The councillor must put every such question directly, succinctly and without argument.</i></p>	<ul style="list-style-type: none"> Questions Without Notice shall always be in writing. This removes the subsequent doubt as to whether Minutes recording the Question have been fairly recorded. Questions should not be so formed as an avoidance of Notices of Motion. Questions Without Notices are limited to two (2) Questions per Councillor per meeting. No debate shall take place on Questions Without Notice.

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	<p>(4) <i>The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.</i></p>	
<p>Cl.23 Local Govt (Meetings) Regulation 1999</p>	<p>8. Limitation as to Number of Speeches</p> <p>(1) <i>A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.</i></p> <p>(2) <i>A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.</i></p> <p>(3) <i>A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.</i></p> <p>(4) <i>Despite subclauses (1) and (2), a councillor may move that a motion or an amendment be now put:</i></p> <p style="padding-left: 40px;">(a) <i>if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it; or</i></p> <p style="padding-left: 40px;">(b) <i>if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.</i></p> <p>(5) <i>The chairperson must immediately put to the vote without debate a motion moved under subclause (4). A seconder is not required for such a motion.</i></p> <p>(6) <i>If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).</i></p> <p>(7) <i>If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.</i></p>	<ul style="list-style-type: none"> • That each speaker be granted a maximum of five (5) minutes with the warning signal at 4 minutes 30 seconds and that no extensions of time be granted. • That where the Mayor wishes to address Council on a matter he/she shall be bound by the limitations of Clause 23 of the Local Government (Meetings) Regulation 1999. This clause does not include the Mayor as Chairperson clarifying issues or statements during an address by a Councillor to facilitate the progress of the meeting.

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<p>Cl.24 Local Govt (Meetings) Regulation 1999</p>	<p>9.1 Voting at Council Meetings</p> <p>(1) <i>A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.</i></p> <p>(2) <i>If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.</i></p> <p>(3) <i>The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.</i></p> <p>(4) <i>When a division on a motion is demanded the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion, and those who vote against it are respectively recorded in the council's minutes.</i></p> <p>(5) <i>Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.</i></p> <p>Note: The Local Government (Elections) Regulation 1998 provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 124 and clause 3 of Schedule 3). Clause 3 of Schedule 3 also makes it clear that "ballot" has its normal meaning of secret ballot.</p>	<ul style="list-style-type: none"> • In those instances where a decision is unanimous, the words 'CARRIED UNANIMOUSLY' are to be substituted for the list of Councillors' names. • Where a matter is not CARRIED UNANIMOUSLY, the Chairperson announce the names of Councillors who voted against a motion/amendment and recorded as per Clause 24(4) of the Local Government (Meetings) Regulation 1999.
<p>Section 370 Local Govt Act 1993</p>	<p>9.2 Voting Entitlements of Councillors</p> <p>(1) <i>Each councillor is entitled to one vote.</i></p> <p>(2) <i>However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.</i></p>	<p>If a Motion, when put to the vote results in a tied vote (and the casting vote is not used), then the Motion is unsuccessful/fails.</p>
<p>Cl.28 Local Govt (Meetings) Regulation 1999</p>	<p>10.1A Questions of Order - Council</p> <p>(1) <i>The chairperson, without the intervention of any other councillor may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.</i></p> <p>(2) <i>A councillor who claims that another councillor has committed an act of disorder, or is out of order may call the attention of the chairperson to the matter.</i></p> <p>(3) <i>The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.</i></p> <p>(4) <i>The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.</i></p>	

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<p>Cl.37 Local Govt (Meetings) Regulation 1999</p>	<p>10.1B Questions of Order - Committees</p> <p><i>The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.</i></p>	
<p>Cl.29 Local Govt (Meetings) Regulation 1999</p>	<p>10.2 Acts of Disorder</p> <p>(1) <i>A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:</i></p> <ul style="list-style-type: none"> (a) <i>contravenes the Act or any regulation in force under the Act; or</i> (b) <i>assaults or threatens to assault another councillor or person present at the meeting; or</i> (c) <i>moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee or addresses or attempts to address the council or committee on such a motion, amendment or matter; or</i> (d) <i>insults or makes personal reflections on or imputes improper motives to any other councillor; or</i> (e) <i>says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring council or committee into contempt.</i> <p>(2) <i>The chairperson may require a councillor:</i></p> <ul style="list-style-type: none"> (a) <i>to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b); or</i> (b) <i>to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate to apologise without reservation; or</i> (c) <i>to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).</i> <p>(3) <i>A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.</i></p>	
<p>Cl.30 Local Govt (Meetings) Regulation 1999</p>	<p>10.3 How Disorder at a Meeting may be Dealt With</p> <p>(1) <i>If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a</i></p>	<ul style="list-style-type: none"> • The meeting Chairperson may call any Councillor to order whenever the necessity arises for doing so.

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	<p><i>period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.</i></p> <p>(2) <i>A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.</i></p>	<ul style="list-style-type: none"> Any Councillor may seek a ruling from the meeting Chairperson on whether another Councillor is out of order or has committed an act of disorder, whereupon the Chairperson shall make a ruling. If a Councillor, after having been called to order on three (3) occasions at the same meeting by the Chairperson, refuses to come to order, he or she shall have committed an act of disorder. If a Councillor, having been called on by the meeting Chairperson to withdraw a disorderly or improper remark and apologise unreservedly, fails to do so, he or she will have committed an act of disorder. When, through a ruling of the meeting, a Councillor has committed an act of disorder in accordance with Clause 29 of the Local Government (Meetings) Regulation 1999, the Chairperson may immediately, without debate, put to the meeting a motion that the Councillor be excluded from the remainder of the meeting. If the motion is carried, the Councillor shall leave the Chamber immediately and not participate further in the current meeting.
Cl.31 Local Govt (Meetings) Regulation 1999	<p>10.4 Power to Remove Persons from Meeting after Expulsion</p> <p><i>If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:</i></p> <p>(a) <i>immediately after the council has passed a resolution expelling the councillor or member from the meeting; or</i></p> <p>(b) <i>where the council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.</i></p>	
Section 373 Local Govt Act 1993	<p>11.1 Committee of the Council</p> <p><i>A council may resolve itself into a committee to consider any matter before the council.</i></p>	
Cl.32 Local Govt (Meetings) Regulation 1999	<p>11.2 Committee of the Whole</p> <p>(1) <i>All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(2) <i>The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.</i></p> <p>(3) <i>The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.</i></p>	
<p>Cl.33 Local Govt (Meetings) Regulation 1999</p>	<p>11.3 Council may Establish Committees</p> <p>(1) <i>A council may, by resolution, establish such committees as it considers necessary.</i></p> <p>(2) <i>A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.</i></p> <p>(3) <i>The quorum for a meeting of a committee is to be:</i></p> <p>(a) <i>such number of members as the council decides, or</i></p> <p>(b) <i>if the council has not decided a number - a majority of the members of the committee.</i></p>	<ul style="list-style-type: none"> A quorum for a committee of council shall be as specified in the Charter of Responsibility adopted by Council for that particular committee. <p>That in accordance with Clause 33(3)(a), Council determines that where the majority of members of the Committee are not present, those members present in the Chamber or Meeting Room shall constitute the quorum for that meeting and those members present may make recommendations relating to those items listed in the agenda for consideration by Council at a subsequent Council meeting.</p>
<p>Cl.34 Local Govt (Meetings) Regulation 1999</p>	<p>11.4 Functions of Committees</p> <p><i>A council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.</i></p>	
<p>Cl.35 Local Govt (Meetings) Regulation 1999</p>	<p>11.5 Notice of Committee Meetings to be Given</p> <p>(1) <i>The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:</i></p> <p>(a) <i>the time and place at which and the date on which the meeting is to be held, and</i></p> <p>(b) <i>the business proposed to be transacted at the meeting.</i></p> <p>(2) <i>However, a notice of less than 3 days may be given of a committee meeting called in an emergency.</i></p>	
<p>Cl.36 Local Govt (Meetings) Regulation 1999</p>	<p>11.6 Non-Members Entitled to Attend Committee Meetings</p> <p>(1) <i>A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.</i></p>	<ul style="list-style-type: none"> That all Councillors be permitted to attend any meeting as an observer unless specifically excluded pursuant to a formal resolution of Council

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(2) <i>However, the councillor is not entitled:</i></p> <p>(a) <i>to give notice of business for inclusion in the agenda for the meeting, or</i></p> <p>(b) <i>to move or second a motion at the meeting, or</i></p> <p>(c) <i>to vote at the meeting.</i></p>	
<p>Cl.38 Local Govt (Meetings) Regulation 1999</p>	<p>11.7A Procedure in Committees</p> <p>(1) <i>Subject to subclause (3), each Committee of a council may regulate its own procedure.</i></p> <p>(2) <i>Without limiting subclause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.</i></p> <p>(3) <i>Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).</i></p>	<p>B. In recognition of the provisions of Section 370 (2) of the Local Government Act 1993, Council permit the Chairperson of the following principal Committees to exercise a casting vote, in addition to that Councillor's deliberate vote.</p> <ul style="list-style-type: none"> • Community Services • Environment and Planning • Finance and Corporate Services • Legal Services • Urban and Environmental Assets <p>• Only Committees with specific delegations in accordance with Section 377 to carry out functions on behalf of Council may resolve matters. Other Committees may only make recommendations to Council for its consideration.</p> <p>Charters of Responsibility for each of Council's Committees shall be adopted by Council and reviewed within 12 months of a Council general election.</p>
<p>Section 370(2) Local Govt Act 1993</p>	<p>11.7B Procedure in Committees</p> <p><i>However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.</i></p>	
<p>Cl.39 Local Govt (Meetings) Regulation 1999</p>	<p>11.8 Committees to keep Minutes</p> <p>(1) <i>Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular a committee must ensure that the following matters are recorded in the committee's minutes:</i></p> <p>(a) <i>details of each motion moved at a meeting and of any amendments moved to it;</i></p> <p>(b) <i>the names of the mover and seconder of the motion or amendment;</i></p> <p>(c) <i>whether the motion or amendment is passed or lost.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(2) <i>As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.</i></p>	
<p>Cl.40 Local Govt (Meetings) Regulation 1999</p>	<p>11.9 Chairperson & Deputy Chairperson of Committees</p> <p>(1) <i>The chairperson of each committee of the council, must be:</i></p> <p>(a) <i>the mayor; or</i></p> <p>(b) <i>if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council; or</i></p> <p>(c) <i>if the council does not elect such a member - a member of the committee elected by the committee.</i></p> <p>(2) <i>A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.</i></p> <p>(3) <i>If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.</i></p> <p>(4) <i>The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.</i></p>	<ul style="list-style-type: none"> Each year Council will elect a chairperson for its committees in conjunction with the Mayoral election unless the charter of responsibility for a committee provides for that committee to elect its chairperson at its Annual General Meeting.
<p>Cl.41 Local Govt (Meetings) Regulation 1999</p>	<p>11.10 Absence from Committee Meetings</p> <p>(1) <i>A member ceases to be a member of a committee if the member (other than the mayor):</i></p> <p>(a) <i>has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or</i></p> <p>(b) <i>has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.</i></p> <p>(2) <i>Subclause (1) does not apply if all the members of the council are members of the committee.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Cl.42 Local Govt (Meetings) Regulation 1999	11.11 Reports of Committees (1) <i>If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.</i> (2) <i>The recommendation of a committee of the council are, so far as adopted by the council, resolutions of the council.</i> (3) <i>If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:</i> (a) <i>make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and</i> (b) <i>report the resolution or recommendation to the next meeting of the council.</i>	
Cl.43 Local Govt (Meetings) Regulation 1999	11.12 Disorder in Committee Meetings <i>The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.</i>	
Cl.44 Local Govt (Meetings) Regulation 1999	11.13 Certain Persons may be Expelled from Council Committee Meetings <i>Certain persons may be expelled from council committee meetings:</i> (1) <i>If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.</i> (2) <i>If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.</i>	<ul style="list-style-type: none"> That for the purposes of this Part, the General Manager or, in the absence of the General Manager, an employee of Council designated by the General Manager, shall be deemed to be the person authorised by Council for the removal of a person from a meeting.
Cl.46 Local Govt (Meetings) Regulation 1999	12.1 Inspection of the Minutes of a Council or Committee (1) <i>An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.</i>	

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	<p>(2) <i>The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.</i></p> <p>Note: Section 12 of the Act confers a right (restricted in the case of a closed parts of meetings) to inspect the minutes of a council or committee of a council.</p>	
<p>Cl.47 Local Govt (Meetings) Regulation 1999</p>	<p>12.2 Tape Recording of Meeting of Council or Committee Prohibited without Permission</p> <p>(1) <i>A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.</i></p> <p>(2) <i>A person may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.</i></p> <p>(3) <i>If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.</i></p> <p>(4) <i>In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magneticord or not.</i></p>	<ul style="list-style-type: none"> That as an aid to the preparation of the Council minutes: <ul style="list-style-type: none"> Tape recording of all meetings of Council be taken, this to include: <ul style="list-style-type: none"> Ordinary Meetings of Council Extraordinary Meetings of Council That tape recordings not be taken of: <ul style="list-style-type: none"> Closed Meeting - Confidential Business That prior notice be given to people addressing Council that they are being tape recorded. <p>D. 1. Tape recordings of meetings are only used for verifying the accuracy of minutes.</p> <p>2. Tape recordings of meetings are not made available to the public or disclosed to any third party under Section 12(6) of the Local Government Act, except as allowed under Section 18(1)(c) or Section 19(1) of the PPIP Act, or where Council is compelled to do so by court order, warrant or subpoena (see eg Section 23(5) of the PPIP Act) or by any other law (eg the FOI Act).</p> <p>3. Tape recordings of meetings are destroyed as soon as their original purpose is served or three months after their creation (whichever is the later), except where retention for a longer period is otherwise required or recommended under the State Records Act 1998.</p> <p>4. Appropriate signage is displayed in the public gallery or at the public entrance to Council meetings, and verbal statements made at the start of each meeting, to notify the public of the matters required under IPP3 (Section 10(a) (c) of the PPIP Act). (Recommendation for inclusion on Advice from Privacy NSW).</p>

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
Section 11 Local Govt Act 1993	12.3 Public Access to Correspondence & Reports (1) <i>A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.</i> (2) <i>This section does not apply if the correspondence or reports:</i> (a) <i>relate to a matter that was received or discussed; or</i> (b) <i>were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.</i> (3) <i>This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential.</i>	<p>B. — Where it has come to the attention of the Mayor and/or General Manager that a document may have been released to the Press and Public contrary to this Code of Meeting Practice or any Council Policy/Standing Order, the Mayor and/or General Manager will not be authorised to approve the release of the document retrospectively.</p> <ul style="list-style-type: none"> With regard to access to Council's Business Paper, please refer to Part 2.2 of this Code.
		12.4 Communication of Council Decisions (Insert) When requested, details of Council resolutions will be made available verbally to the public as soon as possible on the day following the meeting. All enquiries are to be directed through Council's Administration Department.
Section 13 Local Govt Act 1993	12.5 Retention & Preservation of Records <i>The council must retain, preserve and destroy its records in accordance with any approved standards.</i>	<ul style="list-style-type: none"> Council's records are preserved, retained or destroyed in accordance with the General Records Disposal Schedule for Local Government.
Section 9 Local Govt Act 1993	13.1A Notice of Meetings & Provision of Reports (1) <i>A council must give notice to the public of the times and places of its meetings, and meetings of those of its committees of which all the members are councillors.</i> (2) <i>A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.</i> (2A) <i>In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:</i>	

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	<p>(a) <i>the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and</i></p> <p>(b) <i>the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.</i></p> <p>(3) <i>The copies are to be available to the public as nearly as possible to the time they are available to councillors.</i></p> <p>(4) <i>The copies are to be available free of charge.</i></p> <p>(5) <i>A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.</i></p>	
<p>CI.5 Local Govt (Meetings) Regulation 199</p>	<p>13.1B Notice of Meetings & Provision of Reports</p> <p>(1) <i>This clause prescribes the manner in which the requirements outlined in section 9(1) of the Act are to be complied with.</i></p> <p>(2) <i>A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.</i></p> <p>(3) <i>The notice must specify the time and place of the meeting.</i></p> <p>(4) <i>Notice of more than one meeting may be given in the same notice.</i></p> <p>(5) <i>This clause does not apply to an extraordinary meeting of a council or committee.</i></p>	<ul style="list-style-type: none"> Full copies of the Council Business Papers and Reports (excluding any Confidential Business Paper) (insert) will be made available for public perusal during normal opening hours at Council Chambers and Council Libraries, where practicable, on the (insert) no later than the Friday evening prior to each Council meeting. on the understanding that the General Manager, where he considers it necessary, may withhold a report if he believes it would not be in Council's interest for that report to be released prior to the meeting. To assist members of the public at the meeting, a summary of Council meeting procedures be provided in the gallery together with the agenda.
		<p>13.2 Addressing Council</p> <p>A. That members of the public be given the opportunity to address Council on any matter of a general nature or interest to Council and the community as well as any item on the Business Paper, with the exception of Petitions, Business Without Notice, Questions Without Notice. This right to address includes representation by members of the public as to whether any part of the meeting should be closed.</p> <p>B. The number of speakers is generally limited to a maximum of two (2) for and two (2) against a matter before Council / Committee. Except where there are more than two (2) speakers both for and against a matter, in which case the number of speakers be limited to equal numbers for and against the matter.</p>

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>On occasions where there are more than one (1) speaker for or against an item, new speakers be requested to limit their address to new material.</p> <p>The Chairperson shall have the right to so limit address.</p> <p>The number of speakers is limited to a maximum of three (3), on any one topic in general address to Council.</p> <p>C. That the following procedures operate with regard to Address the Council:</p> <ol style="list-style-type: none"> 1. Speakers name, address and subject must register with staff prior to the meeting; people who have not registered prior to the commencement of the meeting will not be permitted to address. No matter will be delayed due to a speaker not being present, nor will Council inhibit its right to alter the order of dealing with the agenda items. 2. A list of speakers is given to the Mayor/Chairperson as soon as possible following commencement of the meeting. 3. Members of public whose names do not appear on the list will not be allowed to address Council / Committee. 4. Speakers are limited to three minutes each, with a warning bell at 2 minutes 30 seconds. All addresses to be taped and no extensions of time will be granted. 5. Where the matter is of general interest or not included in the Business Paper, the speakers address the Council at the commencement of the meeting. 6. Where the matter is included in the Business Paper, speakers to address the Council immediately prior to discussion of that item. 7. If the matter under discussion is listed on the Committee Business Paper, the speaker should address the Committee immediately prior to the item under discussion. 8. Speakers encouraged to leave notes of their speech for follow-up or review action. 9. Speakers on Mayoral Minutes shall address Council after the Mayor has presented and spoken on his/her Minute.

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
		<p>10. Speakers on Notices of Motion shall address Council after the Councillor concerned has moved and had seconded his/her Notice of Motion.</p> <p>11. That questions of speakers who address Council be permitted, with the consent of the Chairperson, for the purpose of points of clarification only. Under no circumstances will the matter be debated with the speaker.</p> <p>D. A brief summary of the procedures in relation to 'Address the Council' be provided to persons at the time of submitting their name to 'Address the Council'.</p>
		<p>13.3 Meeting of Residents</p> <p>A. For the sake of courtesy, Ward Councillor briefly discuss with the Mayor that a meeting of residents has to be convened.</p> <p>B. Where for some reason, it is inappropriate for both Ward Councillors to discuss with Mayor, any meeting should be convened and chaired by a person other than the Ward Councillor, ie any meeting of a Progress Association, civic group or local group of residents can be conducted without reference to Council and a Councillor's presence (not being Chairperson) simply confirms the need for Council to communicate with its public.</p> <p>C. General Manager prepare memorandum to Councillors on "Confidential" for information.</p> <p>D. Only where Mayor has agreed to a request from both Ward Councillors, should a Councillor agree to chair a meeting of residents. The Councillor acting as Chairperson should clearly indicate to a meeting of residents that the Chairperson's presence is as a Ward Councillor and local resident, clearly not being present with any sort of mandate from Council.</p> <p>E. Chairperson personally prepare a report of proceedings or, alternatively, arrange for a Secretary or Treasurer of the appropriate group to represent a written report to Council.</p> <p>F. Depending upon nature of the meeting, Mayor and/or General Manager determine whether report will be circulated as a "Confidential Matter" or as an item on formal Agenda of Council entitled "Reports from Members of Council – Written".</p> <p>G. In presenting such a report to Council, it should be on the clear understanding that Council should generally do no more than "Receive and Note the report" because it is essential that further action be the subject of evaluation from Council's professional staff, (ie no hasty, ill-considered decisions).</p>

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		<p>13.4 Public Meeting</p> <p>A. Request of Ward Councillors to Mayor.</p> <p>B. Mayor assess whether the significant sole topic is appropriate to the major part of Ward/Council Area.</p> <p>C. Mayor request General Manager or Councillor to prepare brief report to Council to obtain resolution confirming:</p> <p>1. Topic</p> <p>2. Location</p> <p>3. Time</p> <p>4. Delegation of Authority to General Manager to prepare appropriate notice of meeting in consultation with the Mayor.</p> <p>5. Whether "hard-drop" of circulars is required.</p> <p>6. Whether advertisement in local press is required.</p> <p>D. Mayor or his/her nominee to chair the public meeting, with staff assistance as convenient/appropriate.</p> <p>E. Report of public meeting to be subsequently prepared in writing by Councillor.</p> <p>F. Report placed before Council and presented as an item of General Business or Committee of the Whole with press and public present.</p> <p>G. Where the nature of the report suggests continued action, it would be prudent for Council to simply "Receive and Note the report" and call for a report from Council staff (if necessary).</p>
		<p>13.5 Participation by Public Gallery</p> <ul style="list-style-type: none"> That members of the public present in the public gallery not engage in any disruptive or inappropriate behaviour or the passing of any note or document to Councillors during the course of the meeting, without the consent of the Chairperson. Passing of notes from Councillors to the public or press during a meeting without the consent of the Chairperson is prohibited.
<p>Section 10 Local Govt Act 1993</p>	<p>14. Meetings Open to the Public</p> <p>Who is entitled to attend meetings</p> <p>(1) <i>Except as provided by this Part:</i></p> <p>(a) <i>everyone is entitled to attend a meeting of the council and those of its committees of which all the members are Councillors, and</i></p> <p>(b) <i>A Council must ensure that all meetings of the Council and of such Committees are open to the public.</i></p> <p>(2) <i>However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
	<p>(a) <i>by a resolution of the meeting, or</i></p> <p>(b) <i>by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.</i></p> <p>(3) <i>A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.</i></p>	
<p>Section 10A Local Govt Act 1993</p>	<p>14.1A Matters considered Confidential</p> <p>Which parts of a meeting can be closed to the public</p> <p>(1) <i>A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:</i></p> <p>(a) <i>the discussion of any of the matters listed in subclause (2), or</i></p> <p>(b) <i>The receipt or discussion of any of the information so listed.</i></p> <p>(2) <i>The matters and information are the following:</i></p> <p>(a) <i>Personnel matters concerning particular individuals,</i></p> <p>(b) <i>The personal hardship of any resident or ratepayer,</i></p> <p>(c) <i>Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</i></p> <p>(d) <i>Commercial information of a confidential nature that would, if disclosed:</i></p> <p>(i) <i>prejudice the commercial position of the person who supplied it, or</i></p> <p>(ii) <i>confer a commercial advantage on a competitor of the Council, or</i></p> <p>(iii) <i>reveal a trade secret.</i></p> <p>(e) <i>Information that would, if disclosed, prejudice the maintenance of law.</i></p> <p>(f) <i>Matters affecting the security of the Council, Councillors, Council staff or Council property.</i></p> <p>(g) <i>Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</i></p> <p>3. <i>A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.</i></p> <p>4. <i>A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.</i></p>	

LEGISLATION	LOCAL GOVERNMENT ACT/REGULATION REQUIREMENTS	COUNCIL'S ASSOCIATED POLICY & NOTES
<p>Section 10B Local Govt Act 1993</p>	<p>14.1B Matters considered Confidential</p> <p>Further limitations relating to closure of parts of meetings to public</p> <p>(1) <i>A meeting is not to remain closed during the discussion of anything referred to in Section 10A(2):</i></p> <p>(a) <i>Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and</i></p> <p>(b) <i>If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.</i></p> <p>(2) <i>A meeting is not to be closed during the receipt and consideration of information or advice referred to in Section 10A(2)(g) unless the advice concerns legal matters that:</i></p> <p>(a) <i>are substantial issues relating to a matter in which the Council or Committee is involved, and</i></p> <p>(b) <i>are clearly identified in the advice, and</i></p> <p>(c) <i>are fully discussed in that advice.</i></p> <p>(3) <i>If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in Section 10A(2)).</i></p> <p>(4) <i>For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:</i></p> <p>(a) <i>a person may misinterpret or misunderstand the discussion, or</i></p> <p>(b) <i>the discussion of the matter may:</i></p> <p>(i) <i>cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or</i></p> <p>(ii) <i>cause a loss of confidence in the Council or Committee.</i></p> <p>Note: Subsection (4) is in similar terms to Section 59A (Public Interest) of the Freedom of Information Act 1989.</p> <p>(5) <i>In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director-General.</i></p>	

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Section 10C Local Govt Act 1993	<p>14.1C Matters considered Confidential</p> <p>Notice of likelihood of closure not required in urgent cases</p> <p><i>Part of a meeting of a Council, or of a Committee of the Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:</i></p> <p>(a) <i>it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Section 10A(2), and</i></p> <p>(b) <i>the Council or Committee, after considering any representations made under Section 10A(4), resolves that further discussion of the matter:</i></p> <p>(i) <i>should not be deferred (because of the urgency of the matter), and</i></p> <p>(ii) <i>should take place in a part of the meeting that is closed to the public.</i></p>	
Section 10D Local Govt Act 1993	<p>14.1D Matters considered Confidential</p> <p>Grounds for closing part of meeting to be specified</p> <p>(1) <i>The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.</i></p> <p>(2) <i>The grounds must specify the following:</i></p> <p>(a) <i>the relevant provision of Section 10A(2),</i></p> <p>(b) <i>the matter that is to be discussed during the closed part of the meeting,</i></p> <p>(c) <i>the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i></p>	
Cl.25 Local Govt (Meetings) Regulation 1999	<p>14.1E Representations by members of the public - closure of part of meeting</p> <p>(1) <i>A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.</i></p> <p>(2) <i>That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.</i></p>	<ul style="list-style-type: none"> • That in the interest of ensuring that the public and the press may be well informed about Council business, all matters transacted at Council and committee meetings be dealt with in open meetings except in cases where matters are of a confidential nature in which case the Council (or the Committee) must pass a resolution specifying the items to be excluded and give a particular reason for so doing. • That the press and public only be excluded from Council and committee meetings when it is essential for confidentiality or other special reasons when discussing these matters as detailed in Section 10(A) of the Local Government Act 1993.

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		<ul style="list-style-type: none"> This policy is only for the guidance of Council and Committees. Council and Committees still have the power to decide which matters should be discussed when the press and public are either present at or excluded from a meeting.
Cl.26 Local Govt (Meetings) Regulation 1999	14.2 Resolutions passed at Closed Meetings to be made public <i>If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.</i>	
Cl.27 Local Govt (Meetings) Regulation 1999	14.3 Matters to be included in Minutes of Council Meeting <i>The general manager must ensure that the following matters are recorded in the council's minutes:</i> (a) details of each motion moved at a council meeting and of any amendments moved to it, (b) the names of the mover and seconder of the motion or amendment, (c) whether the motion or amendment is passed or lost. Note: Section 375 (1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes)	
		15. Inspections Committee <ul style="list-style-type: none"> When attending site inspections, Councillors should be introduced to the Applicants by name and wear Ku-ring-gai Councillor name badges. That Site Inspections be held at a time as may be determined by Council or the Committee. Such inspections are to enable Councillors to familiarise themselves with the impact of the proposed development only, with Minutes of attendees and sites inspected only being recorded, the Committee having no delegated authority, and having no authority to make recommendations. All Councillors are entitled to attend Inspections Committee. Where the Inspections Committee does not complete all inspections on the Agenda, a staff member will drive to the remaining sites to inform any people waiting of the circumstances of the cancellation of the inspection.

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		<p>16. Conclusion of Meetings</p> <ul style="list-style-type: none"> That continuance of the meeting after 12 midnight be dependent on a motion for extension being carried by at least two thirds of the members of the Council present at the meeting. <p>(Example: if 10 Councillors are present, it would require a vote of at least 7 for the motion; if 9 present, at least 6 etc.).</p> <ul style="list-style-type: none"> If at the conclusion of a meeting there is unfinished business then the matters remaining to be dealt with on the Business Paper shall be brought forward to be dealt with at the next meeting of the Council/Principal Committee, such business to be dealt with at the next meeting as priority items of business and listed on the Business Paper accordingly.
		<p>17. Deferral of Matters</p> <p>That as a matter of policy, when an item before Council is deferred for legal advice, the matter stand deferred for at least two (2) weeks to allow sufficient time for preparation of brief, receipt of advice and listing on business paper for due consideration by Councillors.</p>
Cl.48 Local Govt (Meetings) Regulation 1999	<p>18. Use of the Common Seal</p> <p>(1) <i>the seal of a council must be kept by the mayor or the general manager, as the council determines.</i></p> <p>(2) <i>the seal of a council may be affixed to a document only in the presence of:</i></p> <p>(a) <i>the mayor and the general manager; or</i></p> <p>(b) <i>at least 1 councillor (other than the mayor) and the general manager; or</i></p> <p>(c) <i>the mayor and at least 1 other councillor; or</i></p> <p>(d) <i>at least 2 councillors other than the mayor.</i></p> <p>(3) <i>the affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.</i></p> <p>(4) <i>the seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.</i></p> <p>(5) <i>for the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.</i></p>	
Cl.8 Local Govt (Meetings) Regulation 1999	<p>19. Presence at Meetings</p> <p><i>A councillor cannot participate in a meeting of a council unless personally present at the meeting.</i></p>	<ul style="list-style-type: none"> A Councillor shall not be deemed to be present at any meeting of the Council unless he or she is within the Council Chamber. For the purposes of this section, the Council Chamber excludes the public gallery.

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		<p>20. Items of Correspondence</p> <ul style="list-style-type: none"> Items of correspondence relative to Agenda Items will be circulated as "ADDITIONAL AGENDA INFORMATION". Confidential matters are for the information of Councillors and designated staff only and will be circulated as "CONFIDENTIAL AGENDA INFORMATION". Items of correspondence of a general nature will be circulated as "COUNCILLOR INFORMATION" separate from the Business Paper. Confidential items will be headed "CONFIDENTIAL INFORMATION". Correspondence shall not be presented or read by Councillors at a meeting of Council without the leave of Council.
		<p>21. Annual Elections</p> <p>That Council determine the meeting in September each year at which the election for Mayor, Deputy Mayor, Committee members and delegates is to be held.</p>
Section 451 Local Govt Act 1993	<p>22.1 Declaration of Interest - Councillor or Council Committee Member</p> <p>(1) <i>A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.</i></p> <p>(2) <i>The councillor or member must not be present at, or in sight of, the meeting of the council or committee:</i></p> <p>(a) <i>at any time during which the matter is being considered or discussed by the council or committee, or</i></p> <p>(b) <i>at any time during which the council or committee is voting on any question in relation to the matter.</i></p>	<ul style="list-style-type: none"> The role of the General Manager with regard to disclosure of interests is to record oral disclosures in the minutes of the meetings and in a book kept for the purpose, as well as to compile and maintain a Register of Disclosures from the information supplied by members and relevant staff in accordance with the Local Government Act 1993. The General Manager has no role in determining whether or not a Councillor has or does not have a pecuniary interest in a matter as the onus is on affected individual members and staff to make such decisions. Given the complexities involved and the fact that the onus is on Councillors and staff to determine whether an interest exists, when in doubt Councillors/staff should obtain appropriate advice from their own Solicitors, Council will not provide advice by staff or its solicitors. Complaints regarding the failure of a Councillor/staff member to disclose a pecuniary interest must be forwarded to the Director-General of the Department of Local Government in accordance with Section 460 of the Local Government Act 1993.
Section 460 Local Govt Act 1993	<p>22.2 Declaration of Interest - Complaints to Director-General</p> <p>(1) <i>A person may make a complaint to the Director-General, or the Director-General may make a complaint, that a person has or may have contravened Part 2.</i></p> <p>(2) <i>A complaint:</i></p> <p>(a) <i>must be in writing; and</i></p>	<ul style="list-style-type: none"> In addition to the requirements of the Local Government Act 1993 concerning Declaration of Interest, Council has adopted a Code of Conduct for Members and Staff. Copies of the Code are available from the Public Officer.

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	<p><i>(b) must identify the complainant and the person against whom the complaint is made; and</i></p> <p><i>(c) must give particulars of the grounds of the complaint; and</i></p> <p><i>(d) must be verified by statutory declaration; and</i></p> <p><i>(e) must be lodged with the Director-General.</i></p> <p><i>(3) The provisions of subsection (2)(b), in so far as they require a complaint to identify the complainant, (d) and (e) do not apply to a complaint made by the Director-General.</i></p>	
		<p>23. Other Matters</p> <p>Any other ruling or interpretation not covered by this Code of Meeting Practice or the Local Government Act shall be determined by resolution of Council.</p>