



**KU-RING-GAI PLANNING PANEL  
TO BE HELD ON WEDNESDAY, 30 JULY 2008 AT 5.00PM  
LEVEL 3, COUNCIL CHAMBERS,  
818 Pacific Highway, Gordon**

**A G E N D A**

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NOTE: For Full Details, See Council's Website –  
[www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) under the link to business papers

**APOLOGIES**

**DECLARATIONS OF INTEREST**

**ADDRESSES TO THE PANEL**

**DOCUMENTS CIRCULATED TO THE PANEL**

**CONFIRMATION OF MINUTES**

**Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 23 July 2008

Minutes to be circulated separately

**MINUTES FROM THE CHAIRPERSON**

**PETITIONS**

## **GENERAL BUSINESS**

### **GB.1 Timetable For Comprehensive Town Centres Local Environmental Plan**

File: S06523

To present to the Planning Panel a detailed timetable for the completion of the Comprehensive Local Environmental Plan (LEP) applying to the Planning Panel's town centre area.

#### **Recommendation:**

- A. That the Planning Panel endorses the proposed timetable for the completion of the comprehensive Town Centres LEP as outlined in this report.
- B. An additional two Ku-ring-gai Planning Panel meetings be held on the 6 and 20 August 2008 primarily for the community information for Turramurra and Gordon/Pymble commencing at the Panel's ordinary starting time of 5.00pm.

### **GB.2 180 Killeaton Street, St Ives - Staged Torrens Title Subdivision of One Lot into Four Lots & Demolition of Existing Dwelling**

File: DA0084/08

Ward: St Ives

Applicant: Drummond Parmenter Pty Ltd

Owner: Mrs Norma Brigden

To determine development application No.84/08, for the staged Torrens title subdivision of one lot into four lots and demolition of an existing dwelling at 180 Killeaton Street, St Ives.

#### **Recommendation:**

THAT the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA 0084/08 for staged Torrens title subdivision of one lot into four lots and demolition of the existing dwelling on land at 180 Killeaton Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

#### **CONDITIONS THAT IDENTIFY APPROVED PLANS:**

##### **1. Approved architectural plans and documentation (staged subdivision)**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by

other conditions of this consent:

<i>Plan no.</i>	<i>Description</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Received</i>
F	Stage 1 plan of subdivision	Drummond Parmenter	Dec 2007	17-07-2008
E	Stage 2 plan of subdivision	Drummond Parmenter	Dec 2007	07-07-2008

<i>Document(s)</i>	<i>Prepared by</i>	<i>Dated</i>
Statement of Environment Effects	Drummond Parmenter	January 2008
Bushfire Protection Assessment	Australian Bushfire Protection Planners	3 December 2007
Development Assessment Impact Assessment	Earthscape Horticultural Services	12 December 2007
Supplementary letter	Earthscape Horticultural Services	27 May 2008
Assessment of Significance/7 Part test	Ecotone Ecological Consultants	6 June 2008

**Reason:** To ensure that the development is in accordance with the determination.

## 2. Staged development

This development consent is for the staged Torrens title subdivision of one lot into four lots at 180 Killeaton Street, St Ives. The approved stages of the development are identified as follows.

### *Stage 1*

*Subdivision of Lot A in DP 359203 into three allotments and drainage works described as follows:*

- i. Creation of Lot 3 being a rectangular allotment located in the south-western portion of the existing site.
- ii. Creation of Lot 4 being a rectangular allotment located in the south-eastern portion of the existing site.
- iii. Drainage works including installation of stormwater drainage system and creation of inter-allotment drainage easement over Lots 3 and 4.
- iv. Creation of a residual Lot 2 containing the existing dwelling: being a rectangular allotment located in the northern portion of the site.

The approved Stage 1 subdivision shall proceed in accordance with the Stage 1 plan of subdivision identified in Condition 1 of this consent and endorsed with Council's stamp.

### *Stage 2*

*Demolition of existing dwelling and subdivision of the residual Lot 2 into two allotments as follows:*

- i. Demolition of existing dwelling and associated structure.
- ii. Creation of Lot 1 being a rectangular allotment located in the north-western portion of the existing site.

- iii. Creation of Lot 2 being a rectangular allotment located in the north-eastern portion of the existing site.

The approved Stage 2 subdivision shall proceed in accordance with the plan of subdivision identified in Condition 1 of this consent and endorsed with Council's stamp.

**Reason:** To ensure that the development is in accordance with the determination.

### 3. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination.

## CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

### 4. Preservation of Endangered Ecological Community (TSC Act 1995 (NSW))

The following recommendations made in Ecological Report, prepared by Ecotone Ecological Consultants, dated 6 June 2008, are required to be carried out as part of the landscape works for the site.

1. Removal of the existing exotic perennial grasses including *Andropogon virginicus* (Whisky Grass), *Chloris gayana* (Rhodes Grass), *Paspalum urvillei* (Vasey Grass) from the road reserve affronting the Lots 1 and 2.
2. Planting of endemic species on the road reserve – refer separate condition.

**Reason:** To preserve and enhance the Sydney Turpentine Ironbark community on the site.

### 5. Tree protection fencing

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

#### Schedule

Tree/location	Radius in metres
<i>Angophora costata</i> (Sydney Red Gum) Tree 6, nature strip	4m
<i>Pinus radiata</i> (Monterey Pine) Tree 15	4m
<i>Lophostemon confertus</i> (Brushbox) Tree 22	4m
<i>Pinus patula</i> (Mexican Pine) Tree 23	6m
<i>Lophostemon confertus</i> (Brushbox) Tree 24	5m
<i>Syncarpia glomulifera</i> (Turpentine) Tree 26	6m
<i>Eucalyptus sieberi</i> (Silvertop Ash) Tree 39	6m
<i>Ficus coronata</i> (Sandpaper Fig Tree) Tree 47	3m
<i>Syncarpia glomulifera</i> (Turpentine) Tree 50	6m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 52	5m
<i>Eucalyptus microcorys</i> (Tallowood) Tree 55	5m

*Syncarpia glomulifera* (Turpentine) Tree 65 6m

**Reason:** To protect existing trees during the construction phase.

#### 6. Tree protection fencing excluding structure

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the proposed (enter structure) 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:

##### Schedule

Tree/location	Radius in metres
<i>Ulmus glabra</i> 'Lutescens' (Golden Elm) Tree 20	5m

**Reason:** To protect existing trees during the construction phase.

#### 7. Tree protective fencing type galvanised mesh

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum of 1.8 metres in height prior to work commencing.

**Reason:** To protect existing trees during construction phase.

#### 8. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

#### 9. Trunk protection

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced horticulturist/arborist, with minimum qualification of horticulture certificate or tree surgery certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

#### **Schedule**

##### **Tree/Location**

*Angophora costata* (Sydney Red Gum) Tree 12/nature strip

*Angophora costata* (Sydney Red Gum) Tree 13/front boundary, north-east corner

**Reason:** To protect existing trees during the construction phase.

#### **10. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

**Reason:** To protect existing trees during the construction phase.

#### **11. Construction waste management plan**

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the demolition, construction and operation phases of the development.

Vehicular access for demolition shall be shown via the existing crossover to from Killeaton Street only. Access is not permitted from the adjoining public reserve or from Caroola Road.

**Note:** The plan shall be provided to the Certifying Authority.

**Reason:** To ensure appropriate management of demolition and construction waste.

#### **12. Access through public reserve not permitted**

Access for construction or demolition purposes is not permitted through the adjoining public reserve.

**Reason:** To protect existing vegetation within the adjoining public reserve.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**

#### **13. Drainage design**

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, full hydraulic design documentation for the required

drainage system from proposed lots 1 & 2 to the approved point of discharge to the public drainage system (Carcoola Ave). Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Ku-ring-gai Water Management Development Control Plan No. 47 and AS3500.3 (2003) Plumbing Code. New pipes within the drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line.

The following engineering details must be included:

- **stormwater drainage line through lots 3 and/or 4 (NOT through the adjacent drainage reserve). The adjacent drainage reserve is undersized and shall be retained as existing and as natural as possible.**
- plan view of system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information
- longitudinal section, showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail, including all trees within 7 metres of the proposed drainage system
- means to preserve the root systems of trees within 7 metres of the drainage system
- points of drainage connection (stub or pit) to enable for future development.

**Reason:** To ensure that satisfactory design of the drainage in accordance with relevant codes and Australian Standards.

#### **14. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**

#### **15. Infrastructure restorations fee**

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

##### **16. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- All work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.



## 17. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm.

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

**Note:** Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

## 18. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

## 19. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

## 20. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties.

## 21. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

**Reason:** To ensure safety and amenity of the area.

## 22. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

## 23. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002)

“Traffic Control Devices for Work on Roads”. If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

**Reason:** To ensure safe public footways and roadways during construction.

#### **24. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

#### **25. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

#### **26. Drainage to interallotment easement**

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

**Reason:** To protect the environment.

#### **27. Sydney Water Section 73 Compliance Certificate**

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994* (required for both stages 1 & 2). An application must be made through an authorised Water Servicing Coordinator. The applicant is to refer to Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) 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.

**Reason:** Statutory requirement.

#### **28. Trees on nature strip (public liability insurance)**

Removal/pruning of the following tree/s from Council’s nature strip to permit vehicular

access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

**Schedule**

**Tree/location**

*Angophora costata* (Sydney Red Gum) Tree 7, nature strip  
*Angophora costata* (Sydney Red Gum) Tree 12, nature strip  
*Corymbia maculata* (Spotted Gum) Tree 98, nature strip

**Reason:** To ensure protection of existing trees.

**29. Canopy/root pruning**

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

**Schedule**

**Tree/location**

*Angophora costata* (Sydney Red Gum) Tree 12, nature strip

**Tree works**

Pruning of one lower branch to allow for truck access for demolition works if required

**Reason:** To protect existing trees.

**30. Treatment of tree roots**

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

**Reason:** To protect existing trees.

**31. Cutting of tree roots**

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

**Schedule**

**Tree/location**

*Syncarpia glomulifera* (Turpentine) Tree 65

**Radius from trunk**

6m

**Reason:** To protect existing trees.

**32. Approved tree works**

Approval is given for the following works to be undertaken to trees on the site:

**Schedule**

**Tree location**

*Angophora costata* (Sydney Red Gum) Tree 7, nature strip  
*Angophora costata* (Sydney Red Gum) Tree 12, nature strip

**Approved tree works**

Removal  
Pruning of one lower branch

**Schedule**  
**Tree location**

**Approved tree works**  
to allow for truck access for  
demolition works if required  
Removal

*Corymbia maculate* (Spotted Gum) Tree 98, nature strip

Removal or pruning of any other tree on the site is not approved.

**Reason:** To ensure that the development is in accordance with the determination.

**33. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

**34. Tree planting on nature strip**

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Coonanbarra Road. The tree(s) used shall be a minimum 25 litres container size specimen(s):

**Schedule**

<b>Tree/ species</b>	<b>Quantity</b>	<b>Location</b>
<i>Syncarpia glomulifera</i> (Turpentine)	1	Killeaton Street – approximately 4m east of Tree 11

**Reason:** To provide appropriate landscaping within the streetscape.

**35. Tree removal on nature strip**

Following removal of the *Angophora costata* (Sydney Red Gum) Tree 7 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

**Reason:** To protect the streetscape.

**36. Removal of refuse**

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.

**Reason:** To protect the environment.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:**

**37. Stormwater Drainage**

Prior to issue of the Subdivision Certificate (Stage 1) the applicant must submit certification from a suitably qualified and experienced civil/hydraulic engineer to the Principal Certifying Authority that:

- a) The components of the new drainage system (including the underground system in the required interallotment drainage easement) have been installed by a licensed contractor in accordance with the *National Plumbing and Drainage code AS3500.3* (2003) and the *Building Code of Australia*, and
- b) The stormwater drainage works have been completed in accordance with the approved Construction Certificate approved drainage plans and Ku-ring-gai Council Water Management DCP 47.

**Reason:** To protect the environment

### **38. Demolition**

Prior to release of the linen plan/issue of the subdivision certificate (Stage 2), the existing dwelling shall be demolished. Certification that no structures exist across the (proposed) common boundary shall be provided by a registered surveyor at the time of endorsement by Council and submission of necessary documentation.

**Reason:** To ensure no structures will be located across any property boundaries

### **39. Sydney Water Section 73 Compliance Certificate**

Prior to release of the linen plan/issue of the subdivision certificate (required for both stages 1 & 2), the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

**Reason:** Statutory requirement.

### **40. Provision of services**

Prior to issue of the Subdivision Certificate (Stages 1 & 2), separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

**Reason:** Access to public utilities.

### **41. Issue of Subdivision Certificate**

The Subdivision Certificate (Stage 2) must not be issued until all conditions of this development consent have been satisfied.

**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

### **42. Submission of 88b instrument**

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus 5 copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

**Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

#### **43. Submission of plans of subdivision (Torrens Title)**

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 5 copies
- c) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
- e) Proof of payment of S94 contribution

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

**Reason:** Statutory requirement.

#### **44. General easement/R.O.W. provision and certification**

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

**Reason:** To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

#### **45. Section 94 contribution – residential development (subdivision or where no construction certificate is required)**

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

<b>Column A</b>	<b>Column B</b>
community facilities	\$4,476.49
park acquisition and embellishment works	\$76,124.98
northern area embellishment works	\$10,797.46
sportsgrounds works	\$15,277.30
aquatic / leisure centres (West Pymble Pool)	\$904.41
traffic and transport	\$1,275.97
section 94 Plan administration	\$1,143.85
<b>Total contribution is:</b>	<b>\$110,000.46</b>

The contribution shall be paid to Council prior to the issue of the subdivision certificate or release of the linen plan/subdivision certificate for Stage 1 of the subdivision. 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. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure 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 the development.

**INTEGRATED REFERRAL CONDITIONS:**

**46. NSW Rural Fire Service - General Terms of Approval**

The NSW Rural Fire Service has issued a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997 subject to the following conditions:

**1. Asset Protection Zone**

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bush Fire Protection 2006 and the Service's document 'Standards for asset protection zones'.

**2. Water and utilities**

Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

**3. Access**

Property access roads shall comply with section 4.1.3 (2) of Planning for Bush Fire Protection 2006.

The above conditions constitute the General Terms of Approval within the meaning provided under Section 91 of the Environmental Planning and Assessment Act 1979. The applicant must ensure that the site complies with the requirements of these conditions at all times.

**Reason:** Integrated development requirements issued under Section 91 of the EP & A Act 1979 and Section 100B of the Rural Fires Act 1997. NSW Rural Fire Service - General Terms of Approval

**BUSINESS WITHOUT NOTICE - MATTERS OF GREAT URGENCY**

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

\*\* \*\* \*\* \*\* \*\*



**Environmental Planning & Assessment Act 1979  
(as amended)**

**Section 79C**

1. *Matters for consideration - general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

a. *The provisions of:*

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

*that apply to the land to which the development application relates,*

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*