

**MINUTES OF ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 12 JUNE 2007**

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

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Acting Manager Development Assessment Services (Mark Leotta)
Director Operations (Greg Piconi)
Acting Director Strategy (Antony Fabbro)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

181 **APOLOGIES**

File: S02194

Councillor L Bennett & Councillor A Ryan tendered apologies for non-attendance [family commitments] and requested leave of absence.

Resolved:

(Moved: Councillors Hall/Cross)

That the apologies by Councillors Bennett and Ryan for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

Councillor Malicki declared a possible Conflict of Interest in GB1 - Naamaroo Conference Centre Lot B, Lady Game Drive, Lindfield -Supplementary Report as she is involved in the Bland Shire Drought Assistance Programme.

The GM reported that the Acting Director, Antony Fabbro had a possible Conflict of Interest in GB.5 - 5 Powell Street, Killara - Potential Heritage Review following Exhibition Period as a relative owns the property at No 3 Powell Street, Killara.

182 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Lane)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public and the Memorandum of Advice from SB Austin QC dated 30 May 2007 concerning the Draft Ku-ring-gai LEP 2006 (Town Centres) Amendment No 3.

CARRIED UNANIMOUSLY

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:

Councillors

Information: **Potential Heritage List - include in Proclaim System** - Memorandum by Manager Information Technology in answer to a Question Without Notice by Councillor Anderson at Council Meeting held on 22 May 2007

Memorandums: **Refer GB.2 - 21 Archbold Road, Roseville - Proposed Child Care Centre** - Memorandum by Director Development & Regulation & Development Engineer dated 12 June 2007 recommending amendments to Condition 30.

Refer GB.3 - 2 to 8 Bruce Avenue, Roseville - Memorandum by Director Development & Regulation dated 12 June 2007 regarding the omittance of Council's Development Engineer's dilapidation report from the list of conditions within the report.

Refer GB.4 - Potential Heritage Item Review - Consideration of Submissions - Memorandum by Acting Director Strategy (Antony Fabbro) dated 7 June 2007 regarding correction to some errors in the report & providing additional information & revised Recommendations.

Refer GB.4 - Potential Heritage Item Review - Consideration of Submissions - Memorandum by Acting Director Strategy (Antony Fabbro) dated 12 June 2007 regarding additional references to the costs/benefits of listing.

Refer GB.4 - Potential Heritage Item Review - Consideration of Submissions - Memorandum by Acting Director Strategy (Antony Fabbro) dated 12 June 2007 regarding an e-mail received from owners of 17 Burns Road, Wahroonga.

Refer GB.4 - Potential Heritage Item Review - Consideration of Submissions - Memorandum by Acting Director Strategy (Antony Fabbro) dated 12 June 2007 regarding Attachment 6 to the Report on Submission Booklet in reference to an unsigned 'petition'.

CONFIRMATION OF MINUTES

183 Minutes of Ordinary Meeting of Council

File: S02131
Meeting held 22 May 2007
Minutes numbered 157 to 180

Resolved:

(Moved: Councillors Cross/Lane)

- A. That Minutes numbered 157 to 180 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception of Minute No 169.

CARRIED UNANIMOUSLY

(Moved: Councillors Hall/Lane)

- B. That confirmation of Minute No 169 be deferred to allow the tape to be checked.

CARRIED UNANIMOUSLY

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

File: S02110
Meeting held 24 May 2007
Minutes numbered KTC1 to KTC3

184 **General Matter Items under Delegated Authority**

File: S02738

Vide Minute No KTC1

Advice on matters considered under Delegated Authority.

Resolved:

(Moved: Councillors Lane/Shelley)

That the information regarding traffic facilities approved during November 2006 to January 2007 be noted.

CARRIED UNANIMOUSLY

185 **Fox Valley Road, Wahroonga**

File: 88/05455/03
Vide Minute No KTC2

Ward: Comenarra
Electorate: Ku-ring-gai

To consider traffic conditions in the vicinity of the KU Fox Valley Pre-school in Fox Valley Road, Wahroonga.

Resolved:

(Moved: Councillors Lane/Shelley)

- A. That a safety barrier not be installed along the frontage of the KU Fox Valley Pre-school in Fox Valley Road, Wahroonga.
- B. That an advance 'Pedestrian Crossing' warning sign and Chevron Hazard markers be installed in Fox Valley Road in the vicinity of KU Fox Valley Pre-school, in accordance with Sketch Plan No. Fox Valley/KTC/05/07.

- C. That the Roads and Traffic Authority be requested to extend the existing part-time School Zone on Fox Valley Road to include the KU Fox Valley Pre-school.
- D. That the Director of KU Fox Valley Pre-school be informed of Council's decision.

CARRIED UNANIMOUSLY

186

Horace Street, St Ives

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File: 88/05558/03
Vide Minute No KTC3

Ward: St Ives
Electorate: Davidson

To consider a request for a pedestrian zebra crossing in Horace Street.

Resolved:

(Moved: Councillors Hall/Shelley)

That the matter stand deferred for further discussion with the resident concerned and that additional lighting be considered at this intersection.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Malicki, Shelley & Anderson

Against the Resolution: Councillor Lane

GENERAL BUSINESS

187

2 to 8 Bruce Avenue, Killara - Demolition of Four Existing Dwellings & Construction of Two, Five Storey Residential Flat Buildings Containing Fifty-Two Units

.
File: DA1430/06

Ward: Gordon
Applicant: Dugald Mackenzie & Associates
Owners: Mrs Florence Ng & Mr Jerry Ng, Mrs Julie Anne Cowdery & Mr Stephen Deane Cowdery, Mrs Angela May Li, Mrs Sally Anne Hinchcliffe & Mrs Jennifer Bronwyn Howlett

To determine development application No. 1430/06 which seeks consent for demolition of 4 existing dwelling houses, consolidation of 4 lots into 1 and construction of 2 residential flat buildings with basement car parking.

Resolved:

(Moved: Councillors Lane/Andrew)

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 1430/06 for demolition of 4 existing dwelling houses, consolidation of 4 lots into 1 and construction of 2 residential flat buildings with basement car parking on land at 2-8 Bruce Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY PLANS

1. The development must be carried out in accordance with plans and documents 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
SK01	A	Site/roof plan	Dugald Mackenzie & Associates		
SK02	A	Basement 2 plan	"	26/3/07	28/3/07
SK03	A	Basement 1 plan	"	26/3/07	28/3/07
SK04	B	Ground floor plan	"	4/5/07	7/5/07
SK05	B	First floor plan	"	4/5/07	7/5/07
SK06	B	Second floor plan	"	4/5/07	7/5/07
SK07	B	Third floor plan	"	4/5/07	7/5/07
SK08	A	Fourth floor plan	"	26/3/07	28/3/07
SK09	A	Southern elevation / Section AA	"	26/3/07	28/3/07
SK11	A	Eastern elevation / Section BB	"	26/3/07	28/3/07
SK12	A	Northern and western elevations	"	26/3/07	28/3/07
SK13	A	Section detail	"	26/3/07	28/3/07
SK16	A	Soft landscaping / cut and fill	"	26/3/07	28/3/07
PE02	A	Render elevations	"	26/3/07	28/3/07

Document	Dated
BCA Appraisal of Premises	21 November 2005
Noise Intrusion Assessment	11 December 2006
Access Audit	11 December 2006
Geotechnical Report	30 November 2006

Inconsistency between documents

2. 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 of Council.

Approved landscape plans

3. Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Dwg No./Rev.	Description	Author	Dated	Lodged
LPP/01/I	Landscape Planting Plan	John Chetham & Associates	10/5/07	11/5/07
LPP/02/I	Landscape Planting Plan	"	10/5/07	11/5/07
BCP/01/E	BASIX Commitment Plan	"	10/5/07	11/5/07

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

GENERAL**No storage of materials beneath trees**

4. 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.

Removal of refuse

5. 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.

Approved tree works

6. Approval is given for the following works to be undertaken to trees on the site and the adjoining nature strip:

Schedule

Tree No. / Species	Approved tree works
#1 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#2 / <i>Prunus cerasifera 'Nigra'</i> (Purple - Leafed Plum)	Removal
#3 / <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
#4 / <i>Chamaecyparis sp.</i> (Cypress)	Removal
#5 / <i>Chamaecyparis sp.</i> (Cypress)	Removal
#6 / <i>Prunus cerasifera 'Nigra'</i> (Purple - Leafed Plum)	Removal
#7 / <i>Prunus cerasifera 'Nigra'</i> (Purple - Leafed Plum)	Removal
#8 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#11 / <i>Phoenix canariensis</i> (Canary Island Palm)	Removal
#14 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#21 / <i>Cedrus atlantica</i> (Atlantic Cedar)	Removal
#26 / <i>Melia azedarach 'Australasica'</i> (White Cedar)	Removal
#28 / <i>Corymbia citriodora</i> (Lemon Scented Gum)	Removal
#29 / <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Cripps Cypress)	Removal
#30 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#32 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#34 / <i>Callistemon viminalis</i> (Weeping Bottlebrush)	Removal

#36 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#42 / <i>Brachychiton acerifolius</i> (Flame Tree)	Removal
#44 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#45 / <i>Acer palmatum</i> (Japanese Maple)	Removal
#46 / <i>Pittosporum undulatum</i> (Sweet Pittosporum)	Removal
#51 / <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
#52 / <i>Cupressus species</i> (Cypress)	Removal
#53 / <i>Camellia sasanqua</i> (Chinese Camellia)	Removal

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 of Council.

Treatment of tree roots

7. 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.

Excavation near trees

8. No mechanical excavation 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:

Schedule

Tree/location	Radius from trunk
#40 / <i>Melia azedarach</i> 'Australasica' (White Cedar)	4 metres

Reason: To protect existing trees.

Tree planting on nature strip

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

Schedule

Tree/ species	Quantity	Location
<i>Franklinia axillaris</i> (Gordonia)	6	Bruce Avenue nature strip

Reason: To provide appropriate landscaping within the streetscape.

Trees on nature strip

10. Removal/pruning of Trees # 1, 2, 3, 4, 5, 6, 7 & 8 from Council's nature strip 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.

Reason: To protect the streetscape.

Tree removal on nature strip

11. Following removal of Trees #1, 2, 3, 4, 5, 6, 7 & 8 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.

Canopy replenishment trees to be planted

12. The canopy replenishment 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

Reason: To maintain the treed character of the area.

Maintenance period for works in the public road

13. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure

Services

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

application involving any influence upon utility services provided by another authority.

Reason: Access to public utilities

Road reserve safety

15. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

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

Road repairs necessitated by excavation and construction works

16. It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road...is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage".

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

Reason: To protect public infrastructure

Engineering fees

17. For the purpose of any development related inspections by Ku-ring-gai 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.

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION

Compliance with submitted geotechnical report

18. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas dated 30 November 2006 and the geotechnical investigation report prepared prior to commencement of works. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

Erosion control

19. 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.

Drainage to street

20. Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

Dilapidation survey and report (public infrastructure)

21. Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Bruce Avenue over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

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

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

Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any demolition or excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

Dilapidation Survey & Report (Private Property)

21B. Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Address

- 2A & 8A Bruce Avenue
- Tennis Court at 14 Cecil Street.

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

Geotechnical Report

22. Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

Reason: To ensure the safety and protection of property.

CONDITIONS TO BE SATISFIED PRIOR TO WORKS COMMENCING

Tree protection fencing

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

Schedule

Tree/Species /Location	Radius in metres
#40 / Melia azedarach 'Australasica' (White Cedar)/ Rear boundary	2 metres

Reason: To protect existing trees during the construction phase.

Tree protective fencing type galvanised mesh

24. The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase

Tree protection signage

25. 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.

Tree protection mulching

26. Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

Tree Fencing Inspection

27. 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.

Archival recording of buildings

28. Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor for the following properties:

Address

2, 4, 6 & 8 Bruce Avenue, Killara

The archival report must consist of a photographic record of the affected parts of the dwelling (internally and externally) and surrounds. Recording shall be undertaken in accordance with the Guidelines for Photographic Recording of Heritage Sites, Building and Structures prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Heritage Advisor, to be held in the local studies collection of Ku-ring-gai Library.

Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

Construction and traffic management plan

29. Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- 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
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

2. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

- Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.
- A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.
- The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.
- The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.
- The plan must provide measures for minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

Work zone

30. If a works zone is proposed, the applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

Erosion and drainage management

31. Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

Notice to be given prior to demolition or excavation

32. Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

Notice of commencement

33. At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

Notification of builder's details

34. Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

Public liability insurance – works on public land

35. Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land

Infrastructure restoration fee

36. To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:
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.
- a) 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.
 - b) 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.
 - c) 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.

d) 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

Section 94 contribution – residential development

37. 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.

Column A	Column B
community facilities	\$1117.76
park acquisition and embellishment works	\$6384.75
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	\$100.04
Total contribution is:	\$780,327.67

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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.

Temporary construction exit

38. A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

Sediment controls

39. Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

Erosion and drainage management

40. Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

Construction waste management plan

41. 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 construction and operation phases of the development.

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

Reason: To ensure appropriate management of construction waste.

CONDITIONS TO BE SATISFIED DURING WORKS

Prescribed conditions

42. 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:

- The 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.

Statement of compliance with Australian Standards

43. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

Demolition, excavation and construction work hours

44. 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 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

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

Construction noise

45. 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.

Site notice

46. 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.

Dust control

47. 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.

Use of road or footpath

48. 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.

Guarding excavations

49. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

Toilet facilities

50. During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

Protection of public places

51. If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

Recycling of building material (general)

52. 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.

Construction signage

53. All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

Erosion control

54. 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.

Sydney Water Section 73 Compliance Certificate (Part 1)

55. Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided prior to the issue of the Subdivision Certificate.

Reason: Statutory requirement.

Noise and vibration management plan

56. Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed

development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the construction process.

Number of bicycle spaces

57. The basement car park shall be adapted to provide 16 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide alternative modes of transport to and from the site.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CC

Amendments to approved Landscape Plan

58. Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
LPP/01/I	John Chetham & Associates	10/05/07
LPP/02/I	John Chetham & Associates	10/05/07
BCEP/01/E	John Chetham & Associates	10/05/07

The above landscape plan(s) shall be amended in the following ways:

1. To maximise landscape amenity for the site, the proposed stepping stone path is not to encroach closer than 3m to the western boundary of Building A (western building), the eastern boundary of Building B (eastern building) and the northern boundary of Building A (western building).
2. To maximise landscape amenity for the site, the private courtyards are to be reduced in size as detailed by the following:
 - > The courtyard for Units 1, 2 and 3 within the side setback are to not encroach closer than 4m to the western site boundary.
 - > The courtyard for Units 11 within the side setback are to not encroach closer than 4m to the eastern site boundary.
3. To comply with the requirements of BASIX, the garden areas that contain a mix of indigenous/low water use plants and higher water use non-indigenous/exotic species cannot be included therefore the following high water use species shall be replaced with low water indigenous species or 'one drop plant' under Sydney Water's Plant Selector Water Drop Rating Scheme.

The following species shall be replaced with a variety of low water species of a similar height and canopy spread to provide effective screening for the adjoining properties. Some suggested replacement species are; *Elaeocarpus reticulatus* (Blueberry Ash), *Allocasuarina torulosa* (Forest Oak), *Glochidion ferdinandi* (Cheese tree), *Backhousia myrtifolia* (Grey Myrtle).

Corymbia 'Summer Red'
Gordonia axillaris
Harpullia pendula
Hymenosporum flavum
Michelia figo
Magnolia 'Little Gem'
Pyrus calleryana 'Capital'

Ulmus parvifolia
Zelkova serrata 'Green Vase'
Buxus japonica
Elaeocarpus eumundi

Reason: To ensure adequate landscaping of the site

Landscape establishment bond

59. Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$10,000.00 landscape establishment bond with Council. This bond is to provide security that the landscape works are completed and maintained in accordance with the approved landscape plan/s and conditions of development consent. The bond shall be lodged in the form of a deposit or bank guarantee.

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

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

Reason: To ensure that the approved landscaping is established and maintained.

Lot consolidation

60. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. 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.

Reason: To ensure continuous structures will not be placed across separate titles.

Sydney Water Section 73 Compliance Certificate (Part 1)

61. A Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape

design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

Reason: Statutory requirement.

Stormwater retention

62. Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

- A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
- An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

Driveway crossing levels

63. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai 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".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. 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.

This development consent is for works wholly within the property. Development 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 development application plans. 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 required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

Basement car parking details

64. Prior to issue of the Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

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

Reason: To ensure that parking spaces are in accordance with the approved development.

Design of works in public road (Roads Act approval)

65. Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Bruce Avenue:

- New footpath for frontage of site
- 375mm diameter stormwater pipe and kerb inlet pit (if required)

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works

must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Kuring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

Energy Australia requirements

66. Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

Utility provider requirements

67. Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or

appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

Stormwater management plan

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

- exact location and reduced level of discharge point to the public drainage system.
- runoff from the two small roofed structures at the site entry may be drained directly to the street gutter.
- pipes along the western and eastern boundaries are to be as close as possible to the basement to allow for a 4 metre wide screen planting buffer.
- the 300mm diameter pipe along the front boundary is to be deleted and the pipe draining the western courtyards is to be shifted closer to the line of the basement.
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided. The entire roof area is to be connected to the retention tank.
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater Concept Plans by Northrop

Consulting Engineers submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

Building Code of Australia - fire safety audit

69. An accredited certifier, building grade 1 or 2 (NSW or equivalent) is to be engaged to carry out a Building Code of Australia audit that is based upon inspections(s) of the building in terms of the deemed-to-satisfy fire safety provisions. (A list of accredited certifiers is available on the Department of Planning website.)

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) indicating compliance, non-compliance or not applicable in the circumstances.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia.

A schedule of existing (if applicable) and the proposed essential fire safety measures, including their standard performance must be included in the strategy.

The report and strategy must be submitted to and approved by Council's Compliance Officer prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety.

Energy Australia requirements

70. Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

Utility provider requirements

71. Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined

necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

Underground services

72. All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

Energy Australia requirements

73. Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

74. Car parking within the development shall be allocated in the following way:

Resident car spaces	79
Visitor spaces	14
Total spaces	93

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

Noise from road and rail (residential only)

75. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS 2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within Premises.

Note: Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

Reason: To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the development.

Noise from plant in residential zone

76. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm –6.00 am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

Location of plant (residential flat buildings)

77. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

Long service levy

78. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

Builder's indemnity insurance

79. The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

External finishes and materials (new building)

80. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect the streetscape and the integrity of the approved development.

Outdoor lighting

81. Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

Access for people with disabilities (residential)

82. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.2.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

Adaptable units

83. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, [enter unit nos.], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

Accessibility

84. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible.
- the controls for lifts are accessible to all persons and control buttons and lettering are raised.
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2.
- the height of lettering on signage is in accordance with AS 1428.1 – 1993.
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods.

Reason: Disabled access & services.

Garbage storage

85. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OC

Completion of landscape works

86. Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

Removal of noxious plants & weeds

87. The following noxious and/or environmental weed species shall be removed from the property prior to completion of building works:

Schedule

Plant species

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)
Cotoneaster sp. (*Cotoneaster*)

Reason: To protect the environment.

Certification of drainage works (dual occupancies and above)

88. Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved.
- retained water is connected and available for use.
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47.
- all grates potentially accessible by children are secured.
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia.
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

WAE plans for stormwater management and disposal (dual occupancy and above)

89. Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

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

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

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

Reason: To protect the environment.

Basement pump-out maintenance

90. Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

OSD positive covenant/restriction

91. Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

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" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). 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.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

Certification of as-constructed driveway/car park – RFB

92. Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans.
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” a in terms of minimum parking space dimensions.
- finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – “Off-street car parking”,
 - 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

Reinstatement of redundant crossings and completion of infrastructure works

93. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council.

- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- full repair and resealing of any road surface damaged during construction.
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

Reason: To protect the streetscape.

Construction of works in public road – approved plans

94. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

Easement for waste collection

95. Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

Sydney Water Section 73 Compliance Certificate (part 2)

96. A final Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of any linen plan for subdivision or prior to occupation of the development (whichever comes first). Alternatively, if Sydney Water advises that a Section 73 Certificate is not required for the proposed development written confirmation of this advice is to be provided.

Reason: Statutory requirement.

Provision of copy of OSD designs if Council is not the PCA

97. Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

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

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

Retention and re-use positive covenant

98. Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the 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" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). 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.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

Swimming pool (part 1)

99. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority

shall be satisfied that:

- C1. 1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:
- (a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and
 - (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Reason: To ensure the safety of children.

2. Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property, including a public place. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.

Note: Evidence from a practising acoustical engineer demonstrating compliance with the above shall be submitted to the Principal Certifying Authority prior to the operation of the pool.

Reason: To protect the amenity of surrounding properties.

3. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only.

Note: Evidence from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate

Reason: To provide satisfactory drainage.

Fire safety certificate

100. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

Mechanical ventilation

101. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

Infrastructure repair

102. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

Certification of as-constructed driveway/car park – RFB

103. Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans.
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions.
- finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – “Off-street car parking”,
 - The Seniors Living SEPP (as last amended) for accessible parking spaces,

- 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

Compliance with BASIX Certificate

104. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed the BASIX Certificate have been complied with.

Reason: Statutory requirement.

Clotheslines and clothes dryers

105. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

Mechanical ventilation

106. Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:

- The Building Code of Australia
- Australian Standard AS1668
- Australian Standard AS3666 where applicable

2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be 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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to

the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

CONDITIONS TO BE SATISFIED AT ALL TIMES

No door restricting internal waste collection in basement

107. At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

Swimming pool (part 2)

108. At all times:

- Access to the swimming pool must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992*.
- Noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.
- Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.
- All drainage, including any overland waters associated with the pool and spa, must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system. This condition does not preclude any future intention to harvest pool run-off and backwash water as a source of greywater for re-use in landscaping and toilet flushing which would require consultation with Council, Hunter Water and NSW Health.
- For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

Reason: Health and amenity.

Car parking

109. At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

Noise control – plant and machinery

110. 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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

No door restricting internal waste collection in basement

111. At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

CARRIED UNANIMOUSLY

188 **Depot Waste & Haulage Contract**

File: S05986 & S06045

To consider tender submissions for the haulage and receipt of Council's depot waste.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council accepts the tender from WSN Environmental Solutions for the provision of bins and transport of waste.
- B. That Council declines to accept the tenders for the receipt of waste materials and negotiates with the tenderers and other service providers.
- C. That Council not invite fresh tenders for reasons that a more advantageous outcome is likely to be achieved by negotiations.
- D. That the General Manager be delegated authority to negotiate a 3 year Contract with a 2 year option for the receipt of Council's depot waste and on completion of the negotiations.
- E. That the Mayor and General Manager be granted delegated authority to execute the contracts under the seal of Council.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN189 **Publication of DA Floor Plans**

File: S06032

Notice of Motion from Councillor T Hall dated 15 May 2007.

I move:

"That Council resolve to permit all floor plans lodged with Development and related Applications (currently confidential), to be available to public viewing and for notification purposes under Council's DCP56 (Notification Policy). In so doing, Council relies on existing Copyright laws that protect the integrity of all building plans made available to Councils for public viewing."

Resolved:

(Moved: Councillors Hall/Andrew)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

**Councillor Malicki declared a possible Conflict of Interest
in respect of the following item -
GB.1 - Naamaroo Conference Centre -
Lot B, Lady Game Drive, Lindfield -Supplementary Report
and withdrew from the Chamber taking no part
in discussion and voting on the item**

190 **Naamaroo Conference Centre - Lot B, Lady Game Drive, Lindfield -
Supplementary Report**

File: DA0785/06

Ward: Roseville

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

To respond to issues raised at the site inspection of 9 May 2007 and seek Council's determination of Development Application No. 785/06.

Resolved:

(Moved: Councillors Shelley/Anderson)

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

THAT Council, as the consent authority, grant development consent to Development Application No. 785/06 for the upgrade of the Naamaroo Conference Centre comprising the construction of 5 new cabins and 3 teacher's resource rooms, rebuilding of 8 cabins and installation of new fire main on land at Lot B, Lady Game Drive, Lindfield, 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:**Approved architectural plans and documentation**

1. The development must be carried out in accordance with work shown in colour on 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>Drawn by</i>	<i>Dated</i>
<i>Site plan: Project No. 524.03, Drawing No. ADA.02C</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Roof plan: Project No. 524.03, Drawing No. ADA.03B</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Detail Plans 1: Project No. 524.03, Drawing No. ADA.04B</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Detail Plans 2: Project No. 524.03, Drawing No. ADA.05A</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Elevations 1: Project No. 524.03, Drawing No. ADA.06</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Elevations 2: Project No. 524.03, Drawing No. ADA.07</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Environmental Management Plan: Project No. 524.03, Drawing No. ADA.08B</i>	<i>KDG architects</i>	<i>1/3/06</i>
<i>Fire Services Site Fire Hydrant Layout: Job No. 05850, Drawing No. DA-FS01, Rev 1</i>	<i>Northrop Consulting Engineers</i>	<i>5/7/06</i>

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

Conditions to be satisfied prior to demolition, excavation or construction

Structural adequacy

2. Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

Notice of commencement

3. At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

Notification of builder's details

4. Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

Construction waste management plan

5. 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 construction and operation phases of the development.

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

Reason: To ensure appropriate management of construction waste.

Tree protection fencing

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

Tree/Location	Radius in Metres
<i>Corymbia gummifera</i> (Red Bloodwood) Tree 5	4m
<i>Melia azedarach</i> 'Australasica' (White Cedar) Tree 8	3m
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 12	2m
<i>Eucalyptus grandis</i> (Flooded Gum) Tree 13	4m
<i>Corymbia maculata</i> (Spotted Gum) Tree 14	3m
<i>Allocasuarina torulosa</i> (Forest Oak) Tree 23	2m
<i>Angophora costata</i> (Sydney Red Gum) Tree 34	4m
<i>Angophora costata</i> (Sydney Red Gum) Tree 39	3m
<i>Elaeocarpus reticulatus</i> (Blueberry Ash) Tree 46	3m
<i>Acacia fimbriata</i> (Fringe Wattle) Tree 47	3m
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 53	3m
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 54	4m

The tree protection fence shall be constructed of star pickets at 2.4 metre spacings and connected by four strands of 2mm wire at 300mm spacings to a minimum height of 1.5 metres prior to work commencing.

Reason: To protect existing trees during the construction phase.

Tree protection signage

7. 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.

Tree protection mulching

8. Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

Tree fencing inspection

9. 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.

Conditions to be satisfied prior to issue of the Construction Certificate

Sewage management

10. Prior to the issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of the sewage management system within the subject property. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer.

Reason: Satisfactory sewage management

Long service levy

11. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment.

Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

Builder's indemnity insurance

12. The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

External finishes and materials (alterations and additions)

13. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the existing development and the integrity of the approved development.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted to the Certifying Authority.

Reason: To protect the existing development and the integrity of the approved development.

Stormwater details

14. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of the rainwater tank(s) within the subject property. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website. The design may be generally based on the Northrop Drawing SW-1 submitted with the development application, advanced as necessary for construction purposes.

Reason: To ensure that stormwater disposal and management systems are installed in accordance with the relevant plumbing codes, guidelines and the Building Code of Australia.

Stormwater details

15. 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 re-use of water on the property including garden irrigation 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.

Reason: To ensure that stormwater disposal and management systems are installed in accordance with the relevant plumbing codes, guidelines and the Building Code of Australia.

Stormwater details

16. 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 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.

Reason: To ensure that stormwater disposal and management systems are installed in accordance with the relevant plumbing codes, guidelines and the Building Code of Australia.

Excavation for services

17. 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.

Amendments to landscape plans

18. Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
<i>LDA.01B</i>	<i>KDG Architects</i>	<i>1/3/06</i>
<i>LDA.02A</i>	<i>KDG Architects</i>	<i>1/3/06</i>

The above landscape plan(s) shall be amended in the following ways:

- Existing levels are to be retained beneath the canopy drip lines of all trees to be retained on site and adjoining properties. Particular attention is given to Trees 35 and 36 where level changes are proposed.
- 20 additional endemic canopy trees capable of attaining a minimum height of 13m are to be planted. 10 of those to be replacement planting to be of same species and planted in approximate same location, for following trees: Trees 1,1B, 3, 4, 6, 10, 11, 29, 31 38, 41. Proposed planting of all canopy trees to be minimum 5 metres from building.
- As part of fuel management to inner protection area, areas of mulch are to be minimized. It is preferable to have non continuous areas of low fire retardant planting with minimal mulch.
- Proposed access path to southern side of Units 20-22 to be deleted. Existing access path to north of Units 20-22 to be used.
- Top of wall heights to be provided.
- Proposed paths to have minimum 0.5m setback from trunks of trees to be retained

Note: An amended landscape plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

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

Amendments to Vegetation Management Plans

19. Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the Vegetation Management Plans, listed below, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
<i>Dwg. No 1</i>	<i>Nyranie Consulting</i>	<i>22/1/07</i>
<i>Dwg. No 2</i>	<i>Nyranie Consulting</i>	<i>22/1/07</i>

The above plans shall be amended in the following ways:

- Vegetation Management Plans are to be amended in accordance with approved architectural plans.
- Sediment fence to be shown in accordance with marked up Environment Management Plan, prepared by KDG Architects, dwg ADA.08B, dated 1/3/06.

The works shall be carried out and installed in accordance with the approved Vegetation Management Plans.

Note: Amended Vegetation Management Plans, prepared by an Ecologist or qualified Landscape Manager shall be submitted to the Certifying Authority.

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

Amendment to approved architectural plans

20. To maintain the amenity of the site and to minimise disruption of the landscape, the proposed access path along the southern side of Units 20-22 shall be deleted. The existing path to the north of Units 20-22 is to be used. Amended architectural drawings are to be submitted by the applicant and approved by the Principal Certifying Authority (PCA), prior to issue of the Construction Certificate.

Reason: To maintain the amenity of the site and to minimise disruption of the landscape.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first)

Landscape establishment bond

21. Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$10,000 landscape establishment bond with Council. This bond is to provide security that the landscape works are completed and maintained in accordance with the approved landscape plan/s and conditions of development consent. The bond shall be lodged in the form of a deposit or bank guarantee.

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

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

Reason: To ensure that the approved landscaping is established and maintained.

Tree protection bond

22. Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$2000 tree protection bond with Council. This bond is to provide security that the following trees are maintained in a healthy condition as found prior to commencement of work upon the site.

Schedule

Tree/location	Bond value
<i>Angophora costata</i> (Sydney Red Gum) Tree 34	\$2000

The bond shall be lodged in the form of a deposit or bank guarantee. The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged and are in a healthy condition.

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.

Reason: To ensure that the trees are maintained in the same condition as found prior to commencement of work.

Infrastructure restoration bond

23. To ensure that damage to Council Property as a result of construction activity is rectified in a timely manner:
- a) All work or activity undertaken 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 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 Restorations 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 that Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers to be of a minor nature and 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) and (b) above. Restoration work of a minor nature referred to in this condition is work that the Council can perform 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, litter bins, trees shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any public place; and
- “**Infrastructure Restorations Fee**” means the infrastructure restorations fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment.

Reason: To maintain public infrastructure.

Conditions to be satisfied during the demolition, excavation and construction phases

Prescribed conditions

24. 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:
- The 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.

Statement of compliance with Australian Standards

25. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person

that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

Demolition, excavation and construction work hours

26. 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 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

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

Construction noise

27. 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.

Site notice

28. 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.

Dust control

29. 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.

Use of road or footpath

30. 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.

Guarding excavations

31. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

Toilet facilities

32. During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

Construction signage

33. All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

Approved plans to be on site

34. A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

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

Conditions to be satisfied prior to the issue of an Occupation Certificate

Infrastructure repair

35. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

Certification of drainage works

36. Prior to issue of an Occupation 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, and
- d. Retained roofwater is available for toilet flushing and irrigation.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared 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.

Reason: To protect the environment.

Completion of landscape works

- 37. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent with the approved landscape plan(s), specification and the conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

Conditions to be satisfied at all times

Asbestos

- 38. 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.

Reason: To ensure public safety.

Stormwater retention

- 39. A rainwater retention and re-use system must be provided generally as shown on Northrop Hydraulic Services Drawing DA-SW1 Rev 1. A minimum of 25 000 litres of rainwater storage is to be provided. Re-use of the collected rainwater is to be for toilet flushing and irrigation.

Reason: To protect the environment.

Drainage to dispersal trench

40. Overflow from the rainwater tanks and runoff from any new paved areas is to be either piped to a dispersal trench system positioned parallel to the contours of the subject site at the highest practicable level or piped to the existing stormwater disposal system. The design of any dispersal trench shall comply with the requirements described in Appendix 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. A typical detail of the trench can be provided by Council development engineers upon request.

Reason: To protect the environment.

Provision of utility services

41. 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.

Reason: Provision of utility services

Use of road or footpath

42. 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.

Erosion control

43. 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.

Bush Fire Evacuation Plan

44. A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service - Development Control Services for approval. The evacuation plan is to detail the following:

- a) under what circumstances will the complex be evacuated.
- b) where will all persons be evacuated to.
- c) roles and responsibilities of persons co-ordinating the evacuation.
- d) roles and responsibilities of persons remaining with the complex after evacuation.
- e) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

Reason: To ensure suitable fire safety measures are in place.

Inner and Outer Protection Areas

45. The property around the new and existing buildings to a distance of 20 metres, shall be maintained as an 'Inner Protection Area' (IPA) and to the North 40 metres, the West, South West and South 10 metres, shall be maintained as an Outer Protection Area (OPA) as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

Reason: To protect against bush fire.

Construction in accordance with the Australian Standard

46. Construction of new buildings 13-16, 23, 31 & 32 shall comply with AS3959-1999 level 3 'Construction of Buildings in bushfire prone areas'.

Reason: To protect against bush fire.

Construction in accordance with the Australian Standard

47. Construction of new buildings 24-26 shall comply with AS3959-1999 level 2 'Construction of Buildings in bushfire prone areas'.

Reason: To protect against bush fire.

Construction in accordance with the Australian Standard

48. Construction of all other new buildings shall comply with AS3959-1999 level 1 'Construction of Buildings in bushfire prone areas'.

Reason: To protect against bush fire.

Construction in accordance with the Australian Standard

49. All new and existing buildings shall incorporate gutterless roofing (or leafless guttering) and valleys are to be screened to prevent the build up of flammable material. Products used shall be non-combustible or have a flammability index of not greater than 5 when tested in accordance with AS 1530.2.

Reason: To protect against bush fire.

Tree retention

50. Removal, or pruning of the following trees is not approved as part of this Development Application. A tree report prepared by Earthscape Horticultural Services, dated April 2006, has been submitted. Tree numbers refer to this report.

Tree/Location

Corymbia gummifera (Red Bloodwood) Tree 5
Melia azedarach 'Australasica' (White Cedar) Tree 8
Allocasuarina torulosa (Forest Oak) Tree 9
Eucalyptus piperita (Sydney Peppermint) Tree 12
Eucalyptus grandis (Flooded Gum) Tree 13
Corymbia maculata (Spotted Gum) Tree 14
Allocasuarina torulosa (Forest Oak) Tree 23
Eucalyptus grandis (Flooded Gum) Tree 33
Angophora costata(Sydney Red Gum) Tree 34
Angophora costata(Sydney Red Gum) Tree 39
Elaeocarpus reticulatus (Blueberry Ash) Tree 46
Acacia fimbriata (Fringe Wattle) Tree 47
Eucalyptus piperita (Sydney Peppermint) Tree 53
Eucalyptus piperita (Sydney Peppermint) Tree 54

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

Approved tree works

51. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 1	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 1A	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 1B	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 3	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 4	Removal
<i>Angophora costata</i> (Sydney Red Gum) Tree 6	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 10	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 11	Removal
<i>Corymbia gummifera</i> (Red Bloodwood) Tree 15	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 18	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 19	Removal
<i>Corymbia gummifera</i> (Red Bloodwood) Tree 20	Removal
<i>Corymbia gummifera</i> (Red Bloodwood) Tree 21	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 22	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 24	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 26	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 29	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 31	Removal
<i>Angophora costata</i> (Sydney Red Gum) Tree 38	Removal

<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 40	Removal
<i>Corymbia gummifera</i> (Red Bloodwood) Tree 41	Removal
<i>Hakea salicifolia</i> (Willow Leaved Hakea) Tree 42	Removal
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 55	Removal

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

Retention of tall shrubs

52. Prior to any clearing, an Ecologist or Horticulturist should mark any tall shrubs that should be retained as specified in Vegetation Management Plan, prepared by Nyranie Consulting, dwg 1, dated 22/1/07.

Reason: To protect the environment.

Arborist's report

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

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

Reason: To ensure protection of existing trees.

Canopy/root pruning

54. Canopy pruning of the following tree/s which may be necessary to accommodate the approved building footprint shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All other branches are to be tied back and protected during construction as recommended in the arborist report, under the supervision of a qualified arborist.

Tree/Location

<i>Corymbia gummifera</i> (Red Bloodwood) Tree 5
<i>Melia azedarach</i> 'Australasica' (White Cedar) Tree 8
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 12
<i>Eucalyptus grandis</i> (Flooded Gum) Tree 13

Corymbia maculata (Spotted Gum) Tree 14
Allocasuarina torulosa (Forest Oak) Tree 23
Eucalyptus grandis (Flooded Gum) Tree 33
Angophora costata(Sydney Red Gum) Tree 34
Angophora costata(Sydney Red Gum) Tree 39
Elaeocarpus reticulatus (Blueberry Ash) Tree 46
Acacia fimbriata (Fringe Wattle) Tree 47
Eucalyptus piperita (Sydney Peppermint) Tree 53
Eucalyptus piperita (Sydney Peppermint) Tree 54

Reason: To protect the environment.

Treatment of tree roots

55. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

Reason: To protect existing trees.

Hand excavation

56. 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>Corymbia gummifera</i> (Red Bloodwood) Tree 5	4m
<i>Melia azedarach</i> 'Australasica' (White Cedar) Tree 8	3m
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 12	2m
<i>Eucalyptus grandis</i> (Flooded Gum) Tree 13	4m
<i>Corymbia maculata</i> (Spotted Gum) Tree 14	3m
<i>Allocasuarina torulosa</i> (Forest Oak) Tree 23	2m
<i>Eucalyptus grandis</i> (Flooded Gum) Tree 33	3m
<i>Angophora costata</i> (Sydney Red Gum) Tree 34	4m
<i>Angophora costata</i> (Sydney Red Gum) Tree 39	3m
<i>Elaeocarpus reticulatus</i> (Blueberry Ash) Tree 46	3m
<i>Acacia fimbriata</i> (Fringe Wattle) Tree 47	3m
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 53	3m
<i>Eucalyptus piperita</i> (Sydney Peppermint) Tree 54	4m

Reason: To protect existing trees.

No storage of materials beneath trees

57. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

Reason: To protect existing trees.

Removal of refuse

58. 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.

Site rehabilitation and landscaping

59. All areas that have been modified during site works, such as around cabins and boardwalks, shall be the first areas for site rehabilitation and landscaping with locally occurring native plants such as *Boronia ledifolia*, *Gahnia clarkei*, *Gleichenia dicarpa* and *Calochlaena dubia* as recommended in Vegetation Management Plan prepared by Nyranie Consulting, dwg 1, dated 22/1/07 and undertaken as part of Landscape works for this application.

Reason: To protect the environment.

Removal of noxious plants and weeds

60. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works

Plant Species

Chlorophytum comosum (Spider Plant)

Conyza sp (Fleabane)

Lantana camara (Lantana - Red Flower)

Paspalum dilatatum (Paspalum)

Phytolacca octandra (Inkweed)

Ligustrum sinense (Small-leaved Privet)

Ochna serrulata (Ochna)

Solanum nigrum (Blackberry Night-shade)

Taraxacum officinale (Dandelion)

Reason: To protect the environment.

Canopy replenishment trees to be planted

61. The canopy replenishment 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.

Reason: To maintain the treed character of the area.

Construction of fire main

62. The fire main, as shown on the approved plan by Northrop Consulting Engineers, Job No. 05850, Drawing No. DA-FS01, Revision 1, dated 5/7/06, shall be constructed as an "above ground" service where it passes through bushland, and

buried when it reaches the edge of perimeter development. The approved plan only relates to the proposed fire services (mains and hydrants), and not the cabins or pathways.

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

CARRIED UNANIMOUSLY

Councillor Malicki returned

191 **21 Archbold Road, Roseville - Supplementary Report**

File: DA 859/06

Ward: Roseville

The following members of the public addressed Council:

**F Fortey
M Abbott
C Hollands
J Tucker**

To respond to the issues raised at the Council site inspection and seek Council's determination of development application No. 859/06.

Resolved:

(Moved: Councillors Anderson/Shelley)

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

THAT the Council, as the consent authority, grant development consent to DA0859/06 for alterations and additions to an existing dwelling house and its change of use to a child care centre catering for 24 children on land at 21 Archbold Road, Roseville, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**APPROVED ARCHITECTURAL PLANS AND DOCUMENTATION
(ALTERATIONS AND ADDITIONS)**

1. The development must be carried out in accordance with work shown in colour on 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>Drawn by</i>	<i>Dated</i>
DA-01 to DA03	Fortey & Grant Architecture	27 March 2007

<i>Document(s)</i>	<i>Dated</i>
Revised Statement of Environmental Effects	Received by Council on 1 December 2006
Noise assessment report & supplementary report prepared by Renzo Tonin & Associates	1 August 2006 & 14 May 2007

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

Inconsistency between documents

2. 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 of Council.

Approved landscape plans

3. Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
LD/DA 859/06 No 3	Chris Gohl Landscapes P/L	February 2007

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

Building Code of Australia – fire separation

4. The staff room door on the northern elevation is to comply with Part 3.7.1 (Fire Separation) of the BCA.

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

Noise control

5. The development is to be in accordance with the recommendations of the Noise Assessment Report, Report Number TC219-01F02 (REV1), dated 1 August 2006 and the supplementary acoustic report, referenced TC219-02F01 (REV0) TECH MEMO, dated 14 May 2007, prepared by Renzo Tonin & Associates as follows:

- a) in order to prevent children and staff of the child care centre from being exposed to excessive traffic noise:
 - a sound attenuation fence of 2.4m in height, set back at a distance of 1.5m from the existing masonry boundary fence on the western and south-western side of the site is to be provided

- the sound attenuation fence is to be constructed of a treated timber paling or be a lapped and capped fence with minimum 35mm overlap or planks
 - any grills and openings along the existing masonry fence are to be closed up
 - all class room windows on the eastern, southern and western facades of the centre are to be fixed or must remain closed during indoor activities
 - windows with standard 4mm glazing are to be provided
 - natural ventilation is to be provided during outdoor activities by opening doors and windows, alternatively non indoor play area windows on the northern elevation of the building may be kept open during indoor activities for natural ventilation
 - no mechanical ventilation is to be installed on the northern elevation of the building
- b) in order to minimise noise impact on the adjoining residential properties:
- noise management techniques are to be employed during the operation of the child care centre. These techniques should include limits on the number of children at play at any one time or limit on the total time of play.
 - signs reminding staff and visitors to minimise noise at all times are to be installed at the entry and exit points of the child care centre
 - elevated children's climbing equipment is to be restricted to a maximum height of 1.7m above ground level
 - hard paved areas and pathways within the children's play area are to be covered with a rubberised-backed material
 - external pedestrian gates are to be fitted with appropriate door closers to provide a slow and regulated closing of the gate to prevent the generation of impact sound
 - a sound attenuation fence of 2.4m in height is to be provided along the northern boundary
 - a sound attenuation fence of 1.8m in height is to be provided along the eastern boundary
 - the above sound attenuation fences are to be constructed of a treated timber paling or be a lapped and capped fence with minimum 35mm overlap or planks
 - any grills and openings along the existing masonry fence are to be closed up

Mechanical plant

In the instance that air conditioning is required and the calculated noise emissions from mechanical plant items are in excess of the site limits, appropriate acoustic treatment shall be implemented including:

- strategic positioning of plant away from residences, maximising the intervening shielding between the plant and sensitive neighboring premises

- procurement of ‘quiet’ plant
- installation of a commercially available silencer over noisy fans
- installation of acoustic screens and barriers between plant and sensitive neighbouring premises
- installation of partially-enclosed or fully-enclosed acoustic enclosures over plant

Reason: To minimise the impact of noise.

Sight lines

6. The southern-most 2m of the eastern boundary fence is to be of transparent fencing material to allow appropriate sight lines for drivers of vehicles exiting from the child care centre.

Reason: To ensure pedestrian safety.

Commercial deliveries

7. Commercial deliveries to the centre are not to be made before 10.00am and after 2.30pm.

Reason: To minimise traffic and parking nuisance in the locality.

Traffic and parking management plan

8. A traffic and parking management plan is to be developed and implemented, requiring the centre management personnel to educate parents to use designated parking spaces provided within the centre or abide by parking and traffic rules in the event of parking overflow. Archbold Road and ‘No-Stopping’ zone in Addison Avenue must not be used for children drop-off and pick-up. The traffic and parking management plan is to be submitted to and approved by Council’s Development Engineer prior to the issue of a Construction Certificate.

Reason: To minimise traffic and parking nuisance in the locality.

Vehicle turning bay

9. The vehicle turning bay is not to be used for parking at any time. This is to allow exiting vehicles from the child care centre to be driven in a forward direction for traffic safety purposes. The turning bay is to be clearly marked “No Parking” “Vehicle Turning Only”.

Reason: To ensure traffic and pedestrian safety in the locality.

Outdoor storage shed

10. To maintain the streetscape and residential amenity, the maximum height of the outdoor storage shed located in the north-western corner is not to exceed 2.4m above existing ground level.

Reason: To maintain the streetscape and residential amenity.

Rainwater tanks

11. The proposed rainwater tanks are to have a maximum height of 1.8m above ground level, including any stand for the tank. Any overflow is to be connected and discharged into the existing stormwater system. A sign must be affixed to the tank clearly stating that the water in the tank is rainwater and is not for human consumption.

Reason: To prevent adverse visual impact and drainage nuisance to No.23 Archbold Road and to ensure health for the occupants of the child care centre.

Median island

12. A raised median island is to be installed opposite the development driveway in Addison Avenue (including adjustments to linemarking) and the existing 'No Stopping' restriction on the northern side of Addison Avenue is to be extended eastwards to the power pole outside No.2 Addison Avenue. The new installation/alterations to traffic facilities shall be to the satisfaction of the Ku-ring-gai Traffic Committee, including payment of relevant Ku-ring-gai Traffic Committee processing fees as necessary. The costs of installation/modification of the approved traffic facilities shall be at the applicant's expense.

Reason: To ensure traffic safety in the locality.

Garbage bins

13. The garbage bin must be stored in the designated garbage bin area in between the cot room wall and the younger children's store, except for the recycling and green waste bins. Garbage collection must not occur outside the hours of 7.00am – 6.30pm Monday to Friday.

Reason: To minimise odour nuisance to No.23 Archbold Road and to ensure that residential amenity is preserved.

Hours of operation of the child care centre

14. The hours of operation of the child care centre are to be restricted to:

- Monday to Friday: 7.30am - 6.30pm
- No operation on Saturdays, Sundays and Public Holidays

Reason: To ensure that residential amenity is preserved.

Maximum number of children in attendance

15. The maximum number of children at the child care centre must not exceed 24 at any one time and the age groups and numbers must be comprised of the following:

0 - 2 years:	8 children
2 - 3 years:	8 children
3 - 5 years:	8 children

Reason: To ensure that the development is in accordance with the determination of Council and Children's Services Regulation 2004.

Outdoor play equipment

16. All outdoor play equipment must comply with AS/NZS 4486 – Playgrounds and playground equipment and AS/NZS 4422– Playground surfacing.

Reason: To ensure that the development is in accordance with the relevant Australian Standards.

Protection of existing trees

17. Removal, or pruning of the following trees is not approved as part of this Development Application. Tree numbers refer to Landscape Plan prepared by Chris Gohl Landscapes, dated February 2007, dwg no. LD/DA 859/06/3.

Tree/ Location

Harpephyllum caffrum (Kaffir Plum) Tree 1

Brachychiton acerifolius (Flame Tree) Tree 2

Callistemons (4) – Street Trees to site frontage along Addison Avenue

Reason: To protect the existing trees.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST)

Long service levy

18. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

External finishes and materials (alterations and additions)

19. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the existing house and the streetscape.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted to the Certifying Authority.

Reason: To protect the streetscape.

Public liability insurance – works on public land

20. Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

Access for people with disabilities

21. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to the child care centre building is provided.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.2.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.

Infrastructure restorations fee

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

a) All work or activity undertaken 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 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 Restorations 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 that Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers to be of a minor nature and 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) and (b) above. Restoration work of a minor nature referred to in this condition is work that the Council can perform 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, litter bins, trees shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any public place; and

“**Infrastructure Restorations Fee**” means the infrastructure restorations fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment.

Reason: To maintain public infrastructure.

Landscape establishment bond

- 23. Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$2,000 landscape establishment bond with Council. This bond is to provide security that the landscape works are completed and maintained in accordance with the approved landscape plan/s and conditions of development consent. The bond shall be lodged in the form of a deposit or bank guarantee.

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

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

Reason: To ensure that the approved landscaping is established and maintained.

Construction waste management plan

24. 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 construction and operation phases of the development.

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

Reason: To ensure appropriate management of construction waste.

Noise from plant in residential zone

25. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm –6.00 am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

Driveway crossing levels

26. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai 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".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. 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.

This development consent is for works wholly within the property. Development 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 development application plans. 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 required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

Drainage of paved areas

27. All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

Reason: To control surface run off and protect the environment.

Building Code of Australia - fire safety audit

28. An accredited certifier, building grade 1 or 2 (NSW or equivalent) is to be engaged to carry out a Building Code of Australia audit that is based upon inspections(s) of the building in terms of the deemed-to-satisfy fire safety provisions. (a list of accredited certifiers is available on the Department of Planning website.)

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) indicating compliance, non-compliance or not applicable in the circumstances.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia.

A schedule of existing (if applicable) and the proposed essential fire safety measures, including their standard performance must be included in the strategy.

The report and strategy must be submitted to and approved by Council's Compliance Officer prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety.

Utility provider requirements

29. Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

Stormwater Details

30. Prior to issue of the Construction certificate, the applicant must submit, for approval by the Principal Certifying Authority, details in relation to stormwater management and disposal for the approved development. The following must be included:

- (i) Exact location and reduced level of discharge point(s) to the street gutter.
- (ii) Layout of the property drainage system components required to convey runoff from all impervious surfaces (roof, paving and car park) to the street gutter in accordance with Council's DCP 47 Water Management.
- (iii) Location, dimensions and specifications for any rainwater tanks proposed.

The above construction drawings and specifications are to be prepared and certified by a qualified and experienced civil/ hydraulic engineer in accordance with Council's Development Control Plan 47 Water Management, Australian Standard 3500.2 and 3500.3 – Plumbing and Drainage Code and the Building Code of Australia.

Reason: To protect the environment.

Excavation for services

31. 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 WORKS COMMENCING

Notice to be given prior to demolition or excavation

32. Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

Notification of builder's details

33. Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

Statement of compliance with Australian Standards

34. The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

Site notice

35. 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.

Erosion control

36. 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.

Erosion and drainage management

37. Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

Tree protection fencing

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

Tree/Location

Callistemon salignus (Willow Bottlebrush)
west of proposed driveway

Radius From Trunk

5m

Reason: To protect existing trees during the construction phase.

Tree protection – avoiding soil compaction

39. To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

Tree/Location

Harpephyllum caffrum (Kaffir Plum) Tree 1

Brachychiton acerifolius (Flame Tree) Tree 2

Reason: To protect existing trees during the construction phase.

Tree protection fencing

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

Reason: To protect existing trees during the construction phase.

Tree fencing inspection

41. 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.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION OR CONSTRUCTION PHASES**Approved plans to be on site**

42. A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

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

Prescribed conditions

43. 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:

- The 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.

Demolition, excavation and construction work hours

44. 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 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

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

Dust control

45. 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.

Use of road or footpath

46. 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.

Guarding excavations

47. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

Toilet facilities

48. During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

Protection of public places

49. If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

Drainage to street

50. Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the

street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

Asbestos removal

51. 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.

Reason: To ensure safe handling and disposal of asbestos.

Lead – based paint

52. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. You are advised to follow the WorkCover's guidelines.

Reason: To prevent personal and environmental contamination.

Tree inspections

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

Tree/location

All existing trees
located on site being retained

Time of inspection

Prior to demolition
At the completion of demolition
Prior to excavation works
At the completion of excavation works
Prior to the start of construction works
At monthly intervals during construction
At the completion of construction works
At the completion of all works on site

Reason: To ensure the existing trees are protected during and after completion of development works.

Tree root pruning

54. Root 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	Tree Works
<i>Callistemon salignus</i> (Willow Bottlebrush) west of proposed driveway	Root pruning

Reason: To ensure protection of the above tree.

Tree root cutting

55. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Reason: To ensure protection of existing trees.

Tree root pruning & mechanical excavation

56. No mechanical excavation for the approved building 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>Callistemon salignus</i> (Willow Bottlebrush) west of proposed driveway	3m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 1	3m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 2	2m

Reason: To protect the above trees.

Hand excavation

57. 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>Callistemon salignus</i> (Willow Bottlebrush) west of proposed driveway	5m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 1	4m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 2	2m

Reason: To protect the above trees.

Thrust boring for utilities

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

Tree/Location	Radius From Trunk
<i>Callistemon salignus</i> (Willow Bottlebrush) west of proposed driveway	5m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 1	4m
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 2	2m

Reason: To protect the above trees.

No storage of materials beneath trees

59. 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.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**Mechanical ventilation**

60. Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:
- 1) The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
 - 2) The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be 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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

Mechanical ventilation

61. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

Infrastructure repair

62. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

Fire safety certificate

63. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

Removal of refuse

64. 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.

Reinstatement of redundant crossings and completion of infrastructure works

65. Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright

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

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

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

Reason: To protect the streetscape.

Certification of drainage works (alts/adds)

66. Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the components of the new drainage system 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
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai Water Management DCP 47

Note: Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

Completion of landscape works

67. Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

68. That the collapsed front wall to the Archbold Road frontage is to be replaced by a new masonry wall to a maximum height of 1.2 metres above ground level. The transition between the new wall and the existing wall is to be at a 45 degree angle from 1.2 metres to 1.8 metres. The finish and colour of the new wall and the existing wall are to be consistent and to the satisfaction of the PCA.

Reason: To improve the streetscape.

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

Against the Resolution: Councillor Shelley

The above Resolution was subject to two LOST Amendments. The first LOST Amendment was:

(Moved: Councillors Shelley/Anderson)

That the application be deferred until the issues with the collapse of the fence are identified.

The second LOST Amendment was:

(Moved: Councillors Lane/ Cross)

As per the Resolution which a change to the following Condition:

14. *The hours of operation of the child care centre are to be restricted to:*

- *Monday to Friday: 7am - 6.30pm*
- *No operation on Saturdays, Sundays and Public Holidays*

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Potential Heritage Item Review - Consideration of Submissions

File: S04325

The following members of the public addressed Council:

P Bruce

Councillor Shelley withdrew during address

T Browne

J Stewart

M Moore

P Greeley

G Zylber

B Dalton

J Bialkowski

Councillor Shelley returned during address

E Sarich

Councillor Shelley departed

For Council to consider the submissions on the non-statutory public exhibition of the potential heritage items and consider a process for the future management of the potential heritage items under the Ku-ring-gai Comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP) process.

Resolved:

(Moved: Councillors Hall/Anderson)

- A.1 That the properties identified as Category 1 in this report be deleted from the potential heritage items review list.
- A.2 That the properties identified as Category 1a (reviewed under the draft Town Centres LEP), be removed from the potential heritage item list.
- B. That items listed in Category 2 and 3 are deferred and referred to a Planning Committee on a date to be notified to affected residents to further review the process for incorporation into the comprehensive LEP process including consultation with property owners and further independent consultants.
- C. That the peer review for 16 Stanhope Road, Killara be expedited with a report back from an independent heritage consultant, to enable this information to be considered as part of the report on current development application for the site.
- D. That Council notify all affected residents and all persons who made a submission of its decision.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Lane & Anderson

Against the Resolution: Councillors Andrew & Malicki

CARRIED UNANIMOUSLY

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

(Moved: Councillors Malicki/Andrew)

- A. *That the properties identified as Category 1 in this report be deleted from the potential heritage items review list.*
- B. *That the properties identified as Category 1a (reviewed under the town centres LEP process) be removed from the potential heritage item list.*
- C. *That the properties identified as Category 2 in this report be included in the Comprehensive Local Environmental Plan (LEP) / Development Control*

Plan (DCP) process as contributory items / character items within potential future Heritage Conservation Areas (HCA) or as potential heritage items under the Comprehensive LEP process.

- D. That the properties identified as Category 3 in this report be subject to further independent peer review to determine if the properties should be identified in potential Heritage Conservation Areas under the Comprehensive LEP process, listed as an individual heritage item under the Comprehensive LEP process or deleted from the list.*
- E. That the peer review for 16 Stanhope Road, Killara be expedited with a report back from an independent heritage consultant, to enable this information to be considered as part of the report on current development application for the site.*
- F. That Council notify all affected residents and all persons who made a submission of its decision.*
- G. That where submissions have been made regarding errors or inconsistencies with the heritage inventory sheets, where possible they be immediately addressed and in other cases where additional research is required, the draft heritage inventory sheets include a notation that a specific part of the sheet is under review.*

**The Acting Director Strategy, Antony Fabbro
declared a possible Conflict of Interest
in respect of the following item -
GB.5 - 5 Powell Street, Killara -
Potential Heritage Review following Exhibition Period
and withdrew from the Chamber taking no part
in discussion on the item**

193 **5 Powell Street, Killara - Potential Heritage Review following Exhibition Period**

File: S04325

The following member of the public addressed Council:

H Soper

For Council to consider the feedback on the non-statutory public exhibition of the potential heritage item (5 Powell Street, Killara) and consider a process for the future management of the potential heritage item under the Ku-ring-gai Comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP) process.

Resolved:

(Moved: Councillors Lane/Hall)

That the property 5 Powell Street Killara be included with the group of properties considered under Category 3.

CARRIED UNANIMOUSLY

Acting Director Strategy, Antony Fabbro returned

QUESTIONS WITHOUT NOTICE

194 **Mona Vale Road - Improvements**

File: 88/05806/03, S03696

Question Without Notice from Councillor T Hall

I ask would the Mayor write to the Member for Davidson to seek his support to have the RTA urgently -

1. Install guardrails south of Porters Lane in Mona Vale Road referred to the KTC meeting on 24 May 2007.
2. Review the traffic congestion on Mona Vale Road in "pm peak" at the intersection of Pentecost Avenue and Telegraph Road with a view to altering the traffic signalisation phases to reduce this congestion, please?

Answer by the General Manager

Yes, the Mayor would be happy to do that.

195 **Kate Street Scout Hall - Major Earthworks**

File: 88/05605/01

Question Without Notice from Councillor E Malicki

What are the major earthworks that have taken place behind the Kate Street Scout Hall and that have removed considerable bushland?

Who was responsible for this work, what approvals were given, what is its purpose, what is the source of the fill and when is this work due to be completed?

Are there any threatened species in this area and how much bushland has been removed for the retaining wall and the filled area which I estimate to be over 500 square metres?

Answer by the General Manager

Directors Miocic & Piconi will jointly report on the issues you have raised, Councillor Malicki.

196 **Mayoral Portrait - Minutes of Confidential Policy Review Committee**

File: S03595

Question Without Notice from Councillor E Malicki

You promised in a recent e-mail to get me Minutes of the closed Policy meeting from last April where my Mayoral Portrait was discussed as being out of character.

Have you obtained those Minutes yet, please and can you give me the name of the Councillor who raised this issue?

Answer by the Mayor

The Minutes, I'll just checking on the Minutes, I did send an e-mail to the GM. I'm not sure where it's got to.

Answer by Director Corporate

Mr Mayor, Councillors, I can provide the Minutes sometime tomorrow.

Answer by the Mayor

Please. Thank you. To all Councillors & in relation to the, I'm not sure exactly who it was, but I think it may have been the Chair of the Committee, I would not put anything on unless the General Manager does know.

Answer by the General Manager

I can confirm that Mr Mayor, yes.

Answer by the Mayor

The Chair of the Policy Committee & it has been brought back to the next Agenda as per our discussions.

197 **Bland Shire - Costs**

File: S05745

Question Without Notice from Councillor M Lane

Would the General Manager provide Councillors with the costs associated with our involvement in Bland Shire for both cash outlays and associated opportunity costs of Staff?

Answer by the General Manager

Councillor Lane, when you say 'opportunity costs of Staff', are you saying timing kind or....

Answer by Councillor Lane

....timing kind. Sorry, the costs of staff involved in any projects.

Answer by the General Manager

Yes, it certainly wont be an exact science.

198 **Letter to RTA**

File: S03696

Question Without Notice from Councillor M Lane

Would the Mayor add to his letter to the RTA to ask them to consider the dimensions of the holding bays on Mona Vale Road at both Pentecost and Telegraph Road?

Answer by the Mayor

Yes, that's no problem.

199 **Section 94 Development Contribution Plan**

File: S02073

Question Without Notice from Councillor T Hall

In view of another Section 94 Contribution Plan Appeal in Gordon, what is the status of amendments to the Section 94 Contribution Plan for multi-unit development, please?

Answer by Acting Director Strategy, Antony Fabbro

In relation to the current review, there will be an update provided at the next Planning Committee to be held on 20 June 2007.

200 **Removal of Graffiti from Private Property in Business Centres**

File: S04840

Question Without Notice from the Mayor, Councillor N Ebbeck

Can the Director Corporate please provide advice on the possibility of funding the removal of graffiti on private property in the business centres under a special rate variation in the form of a Business Centre Levy?

Can the advice also include the processes involved in establishing the Levy?

Answer by the Director Corporate

Under the provisions of the Local Government Act, Council can levy rates for any works services facility activity so you could do that on a business centre basis or on a geographical basis or across the whole of the Council. To make application would be under Section 508 or 508A of the Act, the same way we did the Infrastructure Levy and the Environmental Levy.

The Meeting closed at 10.28pm

The Minutes of the Ordinary Meeting of Council held on 12 June 2007 (Pages 1 - 96) were confirmed as a full and accurate record of proceedings on 19 June 2007.

General Manager

Mayor / Chairperson