

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 13 JUNE 2006

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

Staff Present: General Manager (John McKee)  
Acting Director Finance & Business (John Clark)  
Director Development & Regulation (Michael Miocic)  
Team Leader South (Richard Kinninmont)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Director Community Services (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
PA Admin Co-ordinator (Vanessa Duval)

*The Meeting commenced at 7.00pm*

*The Mayor offered the Prayer*

### DECLARATIONS OF INTEREST

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

No interest was declared.

198 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

**Resolved:**

(Moved: Councillors Hall/Ebbeck)

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

- C.1 Council ats Meriton Apartments Pty Ltd - Land & Environment Court Action 10243 of 2006 - (*Section 10A(2)(g) - Advice concerning litigation*)

Report by Council's Corporate Lawyer & General Manager dated 13 June 2006

**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:

Late Items: Memorandum from Senior Governance Officer dated 13 June 2006 regarding Minute No 182 (Lindfield Centre Recommended Draft Land Use Plan) of the Ordinary Meeting of Council meeting held on 23 May 2006.

Mayoral Minute - Vale Peter White

Confidential Late Agenda Information - Attachment C to GB.4 - Conduct Committee & Code of Conduct

New Item - Confidential Report on Council ats Meriton Apartments Pty Ltd - Land & Environment Court Action 10243 of 2006 - Report by Council's Corporate Lawyer & General Manager dated 13 June 2006

## **CONFIRMATION OF MINUTES**

### **199 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 23 May 2006

Minutes numbered 176 to 197

### **Resolved:**

(Moved: Councillors Ryan/Ebbeck)

- A. That Minutes numbered 176 to 181 & 183 to 197 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.
- B. i. That Parts A to X of Minute No 182, moved by Councillors Shelley & Anderson, be confirmed as an accurate record of proceedings of the Meeting.

- ii. That Part Y of Minute No 182 be amended to read as follows and confirmed as accurate:

*Y. That the Nelson Road properties be removed from the land use map.*

*For the Amendment: The Mayor, Councillor E Malicki,  
Councillors Bennett, Cross, Ebbeck &  
Anderson*

*Against the Amendment: Councillors Andrew, Hall, Lane, Ryan &  
Shelley*

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

*The Amendment became the Motion and was voted on again.*

*For the Motion: The Mayor, Councillor E Malicki,  
Councillors Bennett, Cross, Ebbeck*

*Against the Motion: Councillors Andrew, Hall, Lane, Ryan,  
Shelley and Anderson*

*The Motion was LOST*

**CARRIED UNANIMOUSLY**

## **MINUTES FROM THE MAYOR**

200 **Vale Peter White**

File: S02380

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of Peter Frederick White, who passed away on 5<sup>th</sup> of May aged 95.

Peter is known to many in Ku-ring-gai as a former Ku-ring-gai alderman and long-time Roseville resident.

He served as alderman for Roseville Ward for 2 terms from 1966 to 1972.

During this time, he led the campaign for declaration of Roseville Memorial Park, which remains to this day.

Alderman White worked to get flagpoles installed in local schools, and encouraged the observance of Anzac Day in schools - even personally providing candles for dawn services.

He also played an important role in lobbying for a public swimming pool to be built at its current site in West Pymble, for visitor facilities within Ku-ring-gai National Park, and for traffic lights to be installed at Maclaurin Parade, Roseville.

Peter was well known for making himself available to help Ku-ring-gai residents at any hour of the day. He had a special affinity with returned soldiers due to his own experiences serving in World War 11.

Peter was born in England in 1910, one of five children, and migrated to Australia as a 17-year-old to pursue a life on the land. He worked as a jackaroo before his farmer boss walked off the property in the Great Depression, leaving him with two years of unpaid wages.

Like thousands of other young men, Peter enlisted for war service in 1940. He graduated from Duntroon as a Lieutenant and was deployed to Malaya with the 8<sup>th</sup> Division.

Peter was wounded while on combat patrol and was in hospital when Singapore capitulated to the Japanese, ending up as a prisoner of war in the notorious Changi.

His task on the infamous River Valley was to supervise working parties of prisoners of war excavating a tunnel.

Peter kept the exertion of his men to a minimum to ensure their survival, but this perceived leniency was soon discovered by the Japanese, who then wanted revenge.

Peter said, "Punish me, not my men", and this they did, pounding him with rifle butts, treatment which protected his men but meant much suffering for him in later years.

Peter returned to Australia and worked on his own property near Dubbo for several years before his war injuries caught up with him, eventually moving to Roseville.

Apart from serving on Council, he was an active community member in many other ways. He was president of Roseville RSL Club and served as the club's welfare officer for 17 years.

Peter White displayed true leadership not only in the ravages of war but also among his community here in Ku-ring-gai.

On behalf of Ku-ring-gai Council I would like to pay tribute to this great Ku-ring-gai community member and express our sincere condolences to his wife, Patricia, and family.

**Councillor Shelley arrived during  
the Mayoral Minute**

**Resolved:**

That the Mayoral Minute be received and noted

**CARRIED UNANIMOUSLY**

**Councillor Hall withdrew**

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

File: S02110  
Meeting held 25 May 2006  
Minutes numbered KTC9 to KTC11

201 **General Matter Items under Delegated Authority**

File: S02738

*Vide Minute No KTC9*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Ryan)

That the information regarding traffic facilities approved in April and May 2006 under Delegated Authority be noted.

**CARRIED UNANIMOUSLY**

202 **General Matter – Knox Garden Day 2006**

File: S02250

Ward: Wahroonga  
Electorate: Ku-ring-gai  
*Vide Minute No KTC10*

To consider a request from Knox Grammar Senior School Mothers' Group to hold an annual "Knox Garden Day" in the vicinity of Bangalla Street on Friday, 8 September 2006.

**Resolved:**

(Moved: Councillors Lane/Ryan)

That approval be given to Knox Grammar Senior Mothers' Group to close Pibrac Avenue and part of Bangalla Street, Cherry Street, Chilton Parade, Hastings Road and Warrawee Avenue to conduct its Knox Garden Day on Friday, 8 September 2006, subject to the following conditions:

- A. The Roads and Traffic Authority approving the Traffic Management Plan submitted by the Knox Grammar Senior School Mothers' Group.
- B. The closures being advertised by Council as required by Section 116 of the Roads Act 1993 and no substantial objections to the proposal which cannot be addressed, being received by the closing date of the advertising.
- C. Residents of Bangalla Street and other streets in the vicinity being informed by a letter, via letterbox drop, undertaken by the Knox Grammar Senior School Mothers' Group, of Council's decision.
- D. The event organiser providing and maintaining all necessary signs, barricades and all other safety equipment at its expense to properly effect the changed traffic conditions required by the approved Traffic Management Plan.
- E. Temporary 'No Parking' restrictions being in place during the event, as shown on Sketch Plan No. Knox Garden Day/KTC/05/06. Knox Grammar Senior School Mothers' Group provide, install and remove the proposed 'No Parking' signs at its cost.
- F. The event organiser provides adequate Roads and Traffic Authority accredited traffic control personnel to control traffic and parking in the event area, as suggested in the traffic study submitted by the applicant.
- G. The Local Area Commander Kuring-gai be requested to patrol the area and monitor traffic conditions during the event.
- H. Knox Grammar Senior School Mothers' Group supply 20 million dollars Public Liability insurance cover, naming Ku-ring-gai Council as principal. A certificate of currency is to be sighted by Council's Director Technical Services before the event is approved.
- I. A Regulatory Officer visiting the site throughout the day to monitor traffic conditions to ensure Council's conditions of approval are being observed and to report back within 30 days of the event, to Council's Director Technical Services of any traffic congestion or other safety issues.

- J. The Knox Grammar Senior School Mothers' Group responding in writing to Council by 4 August 2006, confirming its acceptance of Council's decision for conducting the 2006 Knox Garden Day.

**CARRIED UNANIMOUSLY**

203 **Henry Street, Gordon**

File: 88/05533/03

Ward: Gordon  
Electorate: Ku-ring-gai  
*Vide Minute No KTC11*

To consider a request from Ravenswood School for Girls, to conduct a Ravenswood Spring Fair on Saturday 28 October 2006.

**Resolved:**

(Moved: Councillors Lane/Ryan)

That the Council approve the Ravenswood Spring Fair on Saturday, 28 October 2006 and the temporary road closure of Henry Street, Gordon between Cecil Street and Ravenswood Avenue from 4.00pm, Friday, 27 October 2006 to 8.00pm, Saturday, 28 October 2006, subject to:

- A. The Roads and Traffic Authority approving the Traffic management Plan submitted by the Ravenswood Parents' Association for the Ravenswood Spring Fair 2006.
- B. The Ravenswood Parents' Association implementing the Roads and Traffic Authority-approved Traffic Management Plan to alleviate traffic congestion during the event and to address the traffic impacts that may result from the proposed road closure.
- C. That 'No Parking' restrictions be imposed at the end of Cecil Street near Henry Street to provide adequate room for turning vehicles.
- D. The closure being advertised by Council as required by Section 116 of the Roads Act 1993 and no substantial objections to the proposal which cannot be addressed, being received by the closing date of the advertising.
- E. The Ravenswood Parents' Association distribute letters before the event to the surrounding residents informing them of the event. Council's Traffic staff can provide a map of the surrounding area, which needs to be notified of the Fair.
- F. The Ravenswood Parents' Association provide 20 million dollars Public Liability insurance cover, naming Ku-ring-gai Council as principal. A certificate of

currency is to be sighted by Council's Director of Technical Services before the event will be approved.

- G. The applicant providing and maintaining all necessary signs, barricades and all other safety equipment at its expense to properly effect the changed traffic conditions required by the approved Traffic Management Plan.
- H. Banners and signs being installed at the nominated locations a minimum of two weeks prior to the event, and that they be properly maintained during the period leading up to the Fair. No balloons or decorating material be placed on the school fence fronting Pacific Highway.
- I. The Ravenswood Parents' Association confirming in writing to Council that it has liaised with the local emergency services and Local Area Commander Kuring-gai regarding the partial occupation of Henry Street.
- J. The applicant liaise with Council's Director Development and Regulations in regard to sanitation provisions, the provision of adequate rubbish receptacles and cleaning of the area at the conclusion of the event and any other requirements. The applicant is advised that costs associated with the provision of those services will apply.
- K. Any activity associated with the Fair, including stalls, not occupying Henry Street beyond the respective building alignments at Cecil Street and Ravenswood and not obstructing pedestrian crossings in any way.
- L. Access remains available to all affected residents directly affected by the closure.
- M. A Regulatory officer visiting the site throughout the day to ensure Council's conditions of approval are being observed. Council's Regulatory Services provide a written report to the Director Technical Services within 30 days of the Fair on the impact of the Fair on traffic, access, parking and pedestrian movements in the vicinity of the event.
- N. The Ravenswood Parents' Association respond in writing to Council by 4 August 2006 regarding the acceptance of these conditions for conducting the Ravenswood Spring Fair.

**CARRIED UNANIMOUSLY**

**Councillor Hall returned**

*Standing Orders were suspended to deal with items  
where there are speakers first after a  
Motion moved by Councillors Ryan & Ebbeck  
was CARRIED UNANIMOUSLY*

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**204 **Air-Conditioning for KYDS**

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File: P55058

**Notice of Motion from Councillor M Shelley dated 15 May 2006.**

I move that:

"Council support the installation of a reverse cycle air conditioner at KYDS premises in Lindfield at a cost of approximately \$1800 and such funding be provided from the contingency budget or other appropriate source.

KYDS have been offered a 50% sponsorship of the air conditioner through Mark Taylor and Fujitsu and are able to fund 50% of the remaining cost.

The Centre is in Council property that previously had two air conditioners that were removed prior to KYDS taking over the premises."

**Resolved:**

(Moved: Councillors Shelley/Ryan)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**205 **Centenary of Local Government Community Groups Grants 2006**

.  
File: S04803

To advise Council of applications received from community groups, for Ku-ring-gai Council Centenary Grants 2006, and to recommend to Council subsequent funding allocations.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

That Council approve the recommendations in this report for funding community organisations through Centenary Grants Program

| Organisation  | Amount Recommended<br>\$ |
|---|--------------------------|
| Bradfield Park Pre-school and child care centre     | 650.00                   |
| East Lindfield Community Pre-School Association Inc | 600.00                   |
| English at Gordon                                   | 500.00                   |
| Friends of Ku-ring-gai Environment (FOKE)           | 500.00                   |
| Hornsby Ku-ring-gai Association Inc                 | 750.00                   |
| Ku-ring-gai Historical Society Inc                  | 750.00                   |
| Ku-ring-gai Historical Society Inc                  | 500.00                   |
| Ku-ring-gai Neighbourhood Centre                    | 500.00                   |
| Ku-ring-gai Philharmonic Orchestra Inc              | 1,000.00                 |
| Lady Game Community Kindergarten                    | 500.00                   |
| The Mirrabooka Singers                              | 500.00                   |
| Studio Artes Northside Inc                          | 750.00                   |
| Wahroonga After school Care Centre Inc              | 500.00                   |
| Warrawee Public School                              | 750.00                   |
| Warrawee Public School P&C Assoc.                   | 750.00                   |
| West Pymble Out of School Care                      | 500.00                   |
| <b>TOTAL</b>  | <b>\$10,000.00</b>       |

**CARRIED UNANIMOUSLY**

206

**8 to 18 McIntyre Street, Gordon - Demolition of Existing Dwellings & Construction of Two Residential Flat Buildings Comprising 67 Units & Basement Car Parking**

File: DA1360/05-2

Ward: Gordon

Applicant: Southern Cross Development Group

Owners: K Carlon, D C Cornwall, Pai Chou Developments, T G Vaughan, H G Lander & B J Lloyd

To determine development application No.1360/05, which seeks consent for the demolition of existing dwellings and the construction of two residential flat buildings comprising a total of 67 units and basement parking.

**Resolved:**

(Moved: Councillors Lane/Ryan)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 - Development Standards* to Clause 2L(2) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the 9m interface setback development

standard is unreasonable and unnecessary in the circumstances of this case as it will not result in any adverse impacts on the adjoining commercial development.

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1360/05 is consistent with the aims of the Policy, grant development consent to DA 1360/05 for a residential flat building in two buildings with a total of 67 units on land at 8-18 McIntyre Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

- The development must be carried out in accordance with plans identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

| <b>Dwg No.</b> | <b>Rev</b> | <b>Description</b>                           | <b>Author</b>       | <b>Dated</b> | <b>Lodged</b> |
|----------------|------------|--|---------------------|--------------|---------------|
| A-01           | C          | Cover sheet and calculations                 | P.D. Mayoh          | 23/5/06      | 25/5/06       |
| A-02           | A          | Site survey                                  | Lean and<br>Hayward | 18/5/06      | 19/5/06       |
| A-03           | B          | Site plan                                    | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-04           | B          | Demolition, erosion and<br>sediment control  | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-07           | B          | Site analysis                                | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-09           | B          | Penthouse areas diagram                      | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-20           | A          | Existing streetscape photo<br>locations      | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-21           | A          | Existing streetscape photos<br>sheet No.1    | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-22           | A          | Existing streetscape photos<br>sheet No.2    | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-23           | A          | Existing streetscape photos<br>sheet No.3    | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-72           | B          | Basement level BO2 – floor plan              | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-73           | C          | Basement level BO1 – floor plan              | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-74           | B          | Block A level 1/b ground level<br>floor plan | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-75           | C          | Block A level2/B level one<br>floor plan     | P.D. Mayoh          | 23/5/06      | 25/5/06       |
| A-76           | B          | Block A level 3/B level 2<br>floor plan      | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-77           | B          | Level A L4/B 13 floor plan                   | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-78           | B          | Level A Phse/B 14 floor plan                 | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-79           | C          | Roof A/b L5 floor Plan                       | P.D. Mayoh          | 23/5/06      | 25/5/06       |
| A-80           | B          | B Phse floor plan                            | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-81           | B          | Roof/Site plan                               | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-90           | B          | North and south elevations &<br>streetscape  | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-91           | B          | East and wets elevations                     | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-92           | C          | East and west elevations                     | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-95           | B          | Sections                                     | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A-96           | B          | Section CC                                   | P.D. Mayoh          | 18/5/06      | 19/5/06       |
| A180           | A          | Adaptable Units plan                         | P.D. Mayoh          | 18/5/06      | 19/5/06       |

|      |   |   |            |         |         |
|------|---|---|------------|---------|---------|
| A700 | B | Shadow diagram equinox 9AM                  | P.D. Mayoh | 18/5/06 | 19/5/06 |
| A701 | B | Shadow diagram equinox 12PM                 | P.D. Mayoh | 18/5/06 | 19/5/06 |
| A702 | B | Shadow diagram equinox 3PM                  | P.D. Mayoh | 18/5/06 | 19/5/06 |
| A703 | B | Shadow diagram mid-winter 9AM               | P.D. Mayoh | 18/5/06 | 19/5/06 |
| A704 | B | Shadow diagram mid-winter 12PM              | P.D. Mayoh | 18/5/06 | 19/5/06 |
| A705 | C | Shadow diagram mid-winter 3PM               | P.D. Mayoh | 23/5/06 | 25/5/06 |
| 04A  | A | Tree Plan                                   | PSB        | 22/3/06 | 25/5/06 |
| 03C  | G | Landscape Plan                              | PSB        | 1/6/06  | 2/6/06  |
| 01F  | F | Landscape Details, Elevations<br>and Plants | PSB        | 22/3/06 | 25/5/06 |

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the
4. A photograph record of all six (6) dwellings which are to be demolished and the vegetation on site to be submitted to council for archival purposes.  
  
All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following:
  - Each elevation
  - All structures on site such as sheds, outhouses and significant landscape features for all houses.
  - Several photographs of houses from public streets including several views showing their relationship to neighbouring buildings.
5. Should any electrical substation need to be established on the premises and an area to satisfy Energy Australia's conditions for an electrical substation, such area shall not reduce the deep soil area proposed.
6. Drying areas being provided on balconies or a discreet drying area being provided in the communal landscaped area.
7. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
8. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
9. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.

10. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
11. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
13. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
14. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
15. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and

- c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. 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.
24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the WorkCover guidelines to prevent personal and environmental contamination.
31. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
32. Compliance with the commitments set out in BASIX Certificate Number 144136M, dated 14 December 2005.
33. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property: For tree numbers and identification refer to Tree Management Plan by TALC dated 31/03/06, and Tree Plan by PSB, dated 22/03/06.

| Tree  | Tree Works |
|---|------------|
| Tree 68 <i>Acer sp.</i>                         | removal    |
| Tree 72 <i>Acer palmatum</i>                    | removal    |
| Tree 77 <i>Fraxinus sp.</i>                     | removal    |
| Tree 81 <i>Cupressus</i>                        | removal    |
| Tree 82 <i>Acer</i>                             | removal    |
| Tree 95 <i>Cupressus</i>                        | removal    |
| Tree 96 <i>Acer burgeranum</i>                  | removal    |
| Tree 97 <i>Pittosporum eugenoides</i>           | removal    |
| Tree 98 <i>Acer palmatum</i>                    | removal    |
| Tree 99 <i>Murraya</i>                          | removal    |
| Trees 141 to 147 <i>Ligustrum sp.</i> (Privet)  | removal    |
| Tree 145 <i>Acer negundo</i>                    | removal    |
| Tree 152 <i>Jacaranda</i>                       | removal    |
| Tree 155 <i>Acer negundo</i>                    | removal    |
| Tree 157 <i>Camphor laurel</i>                  | removal    |
| Tree 158 <i>Camphor laurel</i>                  | removal    |
| Tree 159 <i>Camphor laurel</i>                  | removal    |
| Tree 160 <i>Camphor laurel</i>                  | removal    |
| Tree 161 <i>Pittosporum undulatum</i>           | removal    |
| Tree 162 <i>Eucalyptus saligna</i>              | removal    |
| Tree 172 <i>Eucalyptus sp.</i>                  | removal    |
| Tree 185 <i>Acer negundo</i>                    | removal    |
| Tree 186 <i>Cotoneaster sp.</i>                 | removal    |
| Tree 229 <i>Jacaranda mimosifolia</i>           | removal    |
| Tree 230 <i>Cedrus deodara</i>                  | removal    |
| Tree 231 <i>Jacaranda mimosifolia</i>           | removal    |
| Tree 235 <i>Eucalyptus saligna</i>              | removal    |
| Tree 241 <i>Eucalyptus saligna</i>              | removal    |
| Tree 255 <i>Celtis australis</i>                | removal    |
| Tree 258 <i>Jacaranda mimosifolia</i>           | removal    |
| Tree 262 <i>Jacatranda mimosifolia</i>          | removal    |
| Tree 293 <i>Citarexylum spinosum</i>            | removal    |
| Tree 299 <i>Jacaranda mimosifolia</i>           | removal    |
| Tree 301 <i>Ulmus parvifolia</i>                | removal    |
| Tree 309 <i>Celtis australis</i>                | removal    |
| Tree 311 <i>Cinnamomum camphora</i>             | removal    |
| Tree 312 <i>Celtis australis</i>                | removal    |
| Tree 322 <i>Salix babylonica</i>                | removal    |
| Tree 338 <i>Celtis australis</i>                | removal    |
| Tree 340 <i>Pittosporum eugenoides</i>          | removal    |
| Tree 345 <i>Jacaranda mimosifolia</i>           | removal    |
| Tree 346 <i>Gordonia axillaries</i>             | removal    |
| Tree 353 <i>Rondoletia</i>                      | removal    |
| Tree 354 <i>Hakea salicifolia</i>               | removal    |
| Tree 359 <i>Nyssa sylvatica</i>                 | removal    |
| Tree 361 & 362 <i>Nerium oleander</i>           | removal    |
| Tree 370 <i>Acer plamatum</i>                   | removal    |
| Tree 374, 382, 383 <i>Ceratopetlum apetalum</i> | removal    |

|  |         |
|--|---------|
| Tree 386 <i>Jacaranda mimosifolia</i>    | removal |
| Tree 434 <i>Cupressus sp.</i>            | removal |
| Tree 436 <i>Magnolia soulangeana</i>     | removal |
| Tree 462 & 464 <i>Ulmus parvifolia</i>   | removal |
| Tree 499 <i>Cyathea australis</i>        | removal |
| Tree 500 <i>Juniperus</i>                | removal |
| Tree 501 <i>Ulmus parvifolia</i>         | removal |
| Tree 521 <i>Cinnamomum camphora</i>      | removal |
| Tree 522 <i>Nerium oleander</i>          | removal |
| Tree 536 <i>Cinnamomum camphora</i>      | removal |
| Tree 538 <i>Lagerstroemia indica</i>     | removal |
| Tree 539 <i>Camellia japonica</i>        | removal |
| Tree 544 <i>Photinia sp.</i>             | removal |
| Tree 545 <i>Camellia japonica</i>        | removal |
| Tree 546 <i>Jacaranda mimosifolia</i>    | removal |
| Tree 547 <i>Jacaranda mimosifolia</i>    | removal |
| Tree 548 <i>Acacia baileyana</i>         | removal |
| Tree 582 <i>Brachychiton acerifolium</i> | removal |
| Tree 583 <i>Camellia sasanqua</i>        | removal |
| Tree 598 <i>Eucalyptus saligna</i>       | removal |
| Tree 601 <i>Eucalyptus saligna</i>       | removal |
| Tree 641 <i>Pinus radiata</i>            | removal |
| Tree 720 <i>Cyathea cooperi</i>          | removal |
| Tree 731 <i>Cedrus deodar</i>            | removal |

34. 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 retained trees located on site

**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

35. Landscape works shall be carried out in accordance with Landscape Drawing No 5001 amendment F, dated 22/03/06, prepared by PSB submitted with the Development Application, except as amended by the following:

- The proposed riparian corridor indicated on landscape drawing 50001 dated 22/03/06, is to be widened to 20m to comply with Council’s riparian policy for Category 3 riparian zones. Riparian zone planting is to undertaken to the full extent of this area, including those areas currently indicated as grass within this zone. Exotic turf in the riparian area is to be deleted and replaced with riparian zone species.
  - To achieve a higher screen planting *Syzigium smithii* minor is to be replaced with *Elaeocarpus reticulata*, and *Syzigium cascade* to be replaced with a taller growing species such as *Syzigium australe* “aussie southern” or similar capable of a mature height of 4m, along the western side boundary.
  - An additional *Euclayptus saligna* to be planted within the front setback of Block A.
  - Additional *Elaeocarpus* to be planted along the side and rear boundaries to achieve a continuous screen, with spacings at a maximum of 3.0m between trunks for the entire length of the western boundary except where *Malus floribunda* are proposed. Screen planting of ***Elaeocarpus and Casuarina torulosa*** to be undertaken along the to entire length of the southern (rear) boundary and also along the eastern (side) boundary adjacent to Block B at maximum 3.0m centres.
  - Screen planting not nominated on plan in the area adjacent to the rear eastern (side) boundary to be of species such as *Casuarina torulosa* and *Elaeocarpus reticulata* at 3.0m spacing.
  - Planting to all Native Garden mix areas (PM3 and PM 4 as per Landscape Plan) to be of species sourced from the Blue Gum High Forest ecological Community. In addition, the following species are to be replaced with suitable species from this ecological community: *Ricinocarpus sp.*, *Lomatia sp.*, *Putenea sp.*
36. To ensure the preservation and health and stability of existing trees, existing ground levels are to be preserved within the radius of the trunks of the following trees:

| <b>Tree</b>                              | <b>Radius from trunk metres</b> |
|--|---------------------------------|
| Tree 148 <i>Chorisa speciosa</i>         | 4.0m                            |
| Tree 237 <i>Eucalyptus saligna</i>       | 5.0m                            |
| Tree 238 <i>Eucalyptus saligna</i>       | 5.0m                            |
| Tree 239 <i>Eucalyptus saligna</i>       | 4.0m                            |
| Tree 257 <i>Eucalyptus saligna</i>       | 5.0m                            |
| Tree 259 <i>Eucalyptus saligna</i>       | 3.0m                            |
| Tree 261 <i>Eucalyptus saligna</i>       | 3.0m                            |
| Tree 263 <i>Eucalyptus saligna</i>       | 3.0m                            |
| Tree 264 <i>Eucalyptus saligna</i>       | 5.0m                            |
| Tree 265 <i>Brachychiton acerifolius</i> | 3.0m                            |
| Tree 266 <i>Araucaria heterophylla</i>   | 3.0m                            |
| Tree 267 <i>Eucalyptus sp.</i>           | 3.0m                            |
| Tree 240 <i>Eucalyptus saligna</i>       | 7.0m                            |
| Tree 302 <i>Brachychiton acerifolius</i> | 3.0m                            |

|                                      |      |
|--------------------------------------|------|
| Tree 602 <i>Eucalyptus saligna</i>   | 5.0m |
| Tree 603 <i>Eucalyptus pilularis</i> | 5.0m |
| Tree 611 <i>Eucalyptus saligna</i>   | 4.0m |
| Tree 617 <i>Eucalyptus saligna</i>   | 5.0m |
| Tree 271 <i>Eucalyptus saligna</i>   | 4.0m |

37. 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

Trenching for the drainage line between trees 611, 602 and 617 shall be undertaken by hand. If tree roots are to be severed during the course of these works they shall be cut clean by hand by an experienced Arborist/ Horticulturist.

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

| <b>Tree/Location</b>                     | <b>Radius From Trunk</b> |
|--|--------------------------|
| Tree 148 <i>Chorisa speciosa</i>         | 4.0m                     |
| Tree 237 <i>Eucalyptus saligna</i>       | 5.0m                     |
| Tree 238 <i>Eucalyptus saligna</i>       | 5.0m                     |
| Tree 239 <i>Eucalyptus saligna</i>       | 4.0m                     |
| Tree 257 <i>Eucalyptus saligna</i>       | 5.0m                     |
| Tree 259 <i>Eucalyptus saligna</i>       | 3.0m                     |
| Tree 261 <i>Eucalyptus saligna</i>       | 3.0m                     |
| Tree 263 <i>Eucalyptus saligna</i>       | 3.0m                     |
| Tree 264 <i>Eucalyptus saligna</i>       | 5.0m                     |
| Tree 265 <i>Brachychiton acerifolius</i> | 3.0m                     |
| Tree 266 <i>Araucaria heterophylla</i>   | 3.0m                     |
| Tree 267 <i>Eucalyptus sp.</i>           | 3.0m                     |
| Tree 240 <i>Eucalyptus saligna</i>       | 7.0m                     |
| Tree 302 <i>Brachychiton acerifolius</i> | 3.0m                     |
| Tree 602 <i>Eucalyptus saligna</i>       | 5.0m                     |
| Tree 603 <i>Eucalyptus pilularis</i>     | 5.0m                     |
| Tree 611 <i>Eucalyptus saligna</i>       | 4.0m                     |
| Tree 617 <i>Eucalyptus saligna</i>       | 5.0m                     |
| Tree 271 <i>Eucalyptus saligna</i>       | 4.0m                     |

39. The 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.
40. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
41. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the

site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

42. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
43. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
44. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
45. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
46. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
47. 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.

48. 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.
49. 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.**
50. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
51. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
52. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water 's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of

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

53. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
54. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Construction Certificate.
55. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Occupation Certificate. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

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

56. Privacy screening, to a height of 1.6metres, shall be provided to the following Block B units which have balconies facing Block A:
  - Unit BG01 at the western side of the balcony which faces Block A.
  - Unit B 102 at the western side of the balcony which faces Block A.
  - Unit B 205 at the western side of the balcony which faces Block A.
  - Unit B 305 at the western side of the balcony which faces Block A.

Details are to be included with the Construction Certificate plans.

57. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

58. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland and similar structures or features on road

reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

59. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
60. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF SIXTY SEVEN (67) ADDITIONAL DWELLINGS IS CURRENTLY \$1,288,992-85. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

|  |            |
|--|------------|
| 1. Community Facilities                              | \$1,117.76 |
| 2. Park Acquisition and Embellishment Works - Gordon | \$8,223.35 |
| 3. Sportsgrounds Works                               | \$1,318.32 |
| 4. Aquatic / Leisure Centres                         | \$27.82    |
| 5. Traffic and Transport                             | \$150.28   |
| 6. Section 94 Plan Administration                    | \$100.04   |

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

## OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

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

62. To ensure the preservation, health and stability of existing trees the proposed stormwater drainage plan is to be amended prior to issue of construction certificate to ensure that no drainage line is located within the radius of the trunk of the following trees ;

| <b>Tree</b>                        | <b>Radius from trunk</b> |
|------------------------------------|--------------------------|
| Tree 611 <i>Eucalyptus saligna</i> | 5.0m                     |

63. 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. This condition is imposed to ensure continuous structures will not be placed across separate titles.
64. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully 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" or as specified by Council. 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. Failure to submit this information may delay processing.

**Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the 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 and Council may require immediate removal of unauthorised installations.

65. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:
- Vehicular access can be obtained using grades of 20% maximum (to allow the laden garbage collection vehicle to exit the site), and
  - All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

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

66. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.

- A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

67. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
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.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Water quality measures as required by DCP 47 Chapter 8.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
  - Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3

Plumbing and Drainage Code and the BCA. The plans may be generally based on the stormwater drainage plans prepared by ITM Design for Development Application approval, which are to be advanced as necessary for construction issue purposes.

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

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

71. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
72. All trees are to be clearly tagged and numbered using non-invasive methods so as to identify trees to be retained and trees approved to be removed, prior to commencement of works. Tree identities are to be confirmed on site by an arborist and tree numbers are to be consistent with the tree numbers in the Tree Management Plan by TALC consultants, dated 31 March 2006 and submitted with the development application.
73. To protect existing trees to be retained no work shall commence until tree protective fencing is installed across the rear of the site to a position as described below 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.

Location

A tree protective fence is to be located commencing from eastern boundary 4.0m to the north of the centre of trunk of tree 148, 4.0m offset to north of tree 269 and then 4.0m to the north of tree 240, and 3.0m offset to north of tree 302, returning to the rear southern boundary.

A tree protective fence is to be located starting from the side western boundary and be offset 4.0m to the north-east of tree 611, 4.0m from tree 603, 4.0m from tree 617, and returning to the rear southern boundary.

74. 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.
75. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
76. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
77. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
78. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
  - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,

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

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

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

81. Prior to the commencement of demolition works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of structures within 25 metres of the proposed excavation.

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

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

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

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

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

Traffic Control Plans are to be prepared and signed by the suitably qualified (as defined by the RTA Guide *Traffic Control at Work Sites*) person who will be present on the site during construction. The main stages of the development requiring specific construction management measures are to be identified and a specific traffic control plan submitted for each.

Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

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

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

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- Employee parking shall be provided in the basement as soon as practicable, with a timeframe included in the TMP for this.

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

83. The Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
84. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record** ) of the following public infrastructure:

- Half road pavement width, including kerb and gutter, of McIntyre Street over the site frontage.
- The retaining wall opposite the subject site.

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

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

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

85. All noxious and/or environmental weed species shall be removed from the property prior to the issue of the Occupation Certificate. Documentary evidence of the compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate: Weed species to be removed include but are not limited to:  
 Ageratina sp. Mist plant, Asparagus sp. Asparagus Fern, Anradera sp. Madeira Vine, Bidens sp. Cobblers Peg, Cardiospermum sp. Canna sp Canna Lilly, Ballon Vine, Cinnamomum camphora Camphor Laurel, Cotoneaster sp. Cotoneaster, Hedychium sp, Impatiens sp. Balsam, Ipomea sp. Morning Glory, Ligustrum sp. privet, Ochna sp. Ochna, Pennisetum sp. Kikuyu, Phyllosatchys sp Bamboo, Senna sp. Senna, Solanum sp, Wild Tobacco, Thungergia sp. Black eyed Susan, Tradescantia sp.
86. The landscape works, shall be installed in accordance with the approved plan /s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
87. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
88. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Regulation.
89. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of

consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

90. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
91. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
92. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

93. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - A copy of any works-as-executed drawings required under this consent
  - The Engineer's certification of the as-built system.

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

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

95. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed car park complies with the approved Construction Certificate plans,
  - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
  - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”;
    - 2.44m height clearance for waste collection trucks (refer DCP 40), are met from the public street into and within the applicable areas of the basement car park.
96. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
  - That retained water is connected and available for uses including toilet flushing, clothes washing and irrigation.
  - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - That all grates potentially accessible by children are secured.
  - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

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

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

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

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

98. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

99. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :

- According the relevant Australian Standards and guidelines, and

- According to any approved Geotechnical report undertaken for the development, and
  - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
100. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted before commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
101. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed within 25 metres of the excavation, and the road reserve.
- The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If any of the structures have been demolished in the meantime under a separate approval, then no follow-up report is required.
102. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
- For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
103. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be

submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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

104. Prior to the issue of the Occupation Certificate, an easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

#### **BUILDING CONDITIONS**

105. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
106. To ensure compliance with this development consent the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
107. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

**CARRIED UNANIMOUSLY**

207 **Conduct Committee & Code of Conduct**

.  
File: S04462

To establish an interim Conduct Committee and Guidelines for the operation of that Committee. To adopt changes to Council's Code of Conduct.

**Resolved:**

(Moved: Councillors Lane/Cross)

- A. That Council establish an interim Conduct Committee as proposed.
- B. That Council adopt the Ku-ring-gai Council Conduct Committee Guidelines as outlined in Attachment A.
- C. That Council adopt the associated amendments to the Code of Conduct as outlined in Attachment B.
- D. That following assessment of submissions received from newspaper advertisements, a further report be submitted to Council to enable appointment of a permanent Conduct Committee.

**CARRIED UNANIMOUSLY**

208 **Optus Mobile Pty Ltd - Proposed Deed of Access to use a Portion of Road Reserve Adjacent to 212 Ryde Road, West Pymble**

.  
File: 88/06023/01

Ward: Gordon

For Council to grant a Deed of Access to Optus Mobile Pty Ltd to use a portion of the road reserve for its telecommunication network.

**Resolved:**

(Moved: Councillors Lane/Ryan)

- A. That Council grant a Deed of Access to Optus Mobile Pty Ltd over a portion of road reserve adjacent to 212 Ryde Road, West Pymble for the installation of a low impact telecommunication facility.
- B. That Council authorise the Mayor and General Manager to sign all documentation associated with the lease and licence.
- C. That the Council Seal be affixed to the agreement.
- D. That Council does not condone, approve or support telecommunications facilities at this location or in general.

*For the Resolution:           The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Ebbeck, Hall, Lane, Ryan, Shelley  
and Anderson*

*Against the Resolution:   Councillor Bennett*

209   **Parks Sport & Recreation Reference Group - Minutes of Meeting held  
4 May 2006**

.  
File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 4 May 2006.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held 4 May 2006 be received and noted.

**CARRIED UNANIMOUSLY**

210   **Management Plan 2006 to 2010 incorporating Budget & Fees & Charges,  
Infrastructure Levy Survey Results & Submissions Received**

.  
File: S04708

For Council to adopt the 2006 to 2010 Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006 to 2007.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That Council adopt the Management Plan 2006 to 2010, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006 to 2007 as amended.
- B. That surplus funds totalling \$191,900 be transferred to Council's Contingency Reserve.
- C. That a general rate in the dollar of \$0.0016804 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2006 to 30 June 2007.
- D. That a general rate in the dollar of \$0.00439086 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2006 to 30 June 2007.
- E. That an environmental levy rate in the dollar of \$0.00009142 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2006 to 30 June 2007. That whereby a ratepayer qualifies as of 1 July 2006 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the environmental levy.
- F. That subject to approval by the Minister of Local Government for a continuation of the infrastructure levy, that a rate in the dollar of \$0.00008940 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2006 to 30 June 2007. That whereby a ratepayer qualifies as of 1 July 2006 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.
- G. That the minimum rate for both residential and business be set at \$379.00 for the period 1 July 2006 to 30 June 2007.
- H. That, in those cases where, after provision of the combined pensioner rebate to a maximum of \$250.00, the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.
- I. That the charge for the Domestic Waste Management service be set at \$250.00 per residential property per annum excluding flats and home units.
- J. That the charge for Domestic Waste Management service be set at \$230.00 per residential property per annum for flats and home units.
- K. That the charge for Domestic Waste Management base service without green waste be set at \$190.00 per annum.

- L. That the charge for an additional green waste service be set at \$80.00 per container, per annum.
- M. That the charge for a 240 litre waste container with green waste be set at \$350.00 per annum.
- N. That the charge for a 240 litre waste container without green waste be set at \$270.00 per annum, excluding flats and home units.
- O. That the charge for a 240 litre waste container for flats and home units be set at \$350.00 per annum.
- P. That the charge for the provision of an additional 120 litre waste container, per container, per annum be set at \$120.00.
- Q. That the charge for Domestic Waste Management on vacant land be charged at \$100.00 per annum, per residential property.
- R. That the charge for Non-domestic Waste Management services be set at \$195.00 per unit of occupancy per annum.
- S. That the General Manager and Acting Director Finance & Business be delegated to negotiate and establish Council's new loan account of \$1,000,000 in consultation with the Mayor and the Common Seal be affixed to all required documents.

*For the Resolution:           The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Ebbeck, Hall, Lane, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Bennett*

211   **5 to 9 Woodside Avenue, Lindfield - Supplementary Report**

File: DA 1417/05

Ward: Roseville

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

**T DeVries  
R Ulrick  
M Fisher  
S Fisher  
R Smyth**

To respond to issues raised at the Council site inspection and to seek Council's determination of the development application.

**Resolved:**

(Moved: Councillors Shelley/Anderson)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 25I(8) of the

Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the amount of extra height is minimal and there will be very little change in the visual impact of the development.

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1417/05 is consistent with the aims of the Policy, grant development consent to DA 1417/05 for a residential flat building on land at 5-9 Woodside Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**Development in Accordance with Plans (New Development)****GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

| Dwg No. | Rev | Description             | Author            | Dated            | Lodged        |
|---------|-----|-------------------------|-------------------|------------------|---------------|
| DA-01   | A   | Site Plan               | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-02   | —   | Site Analysis           | Playoust Churcher | 16 December 2006 | 24 March 2006 |
| DA-03   | A   | Upper Basement Plan     | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-04   | A   | Lower Basement Plan     | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-05   | A   | Ground Floor Plan       | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-06   | A   | First Floor Plan        | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-07   | A   | Second Floor Plan       | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-08   | A   | Third Floor Plan        | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-09   | A   | Fourth Floor Plan       | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-10   | A   | North & East Elevations | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-11   | A   | South & West Elevations | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-12   | A   | Cross Sections 1        | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-13   | A   | Cross Sections          | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-14   | A   | Longitudinal Section    | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| DA-15   | —   | Shadow Diagrams         | Playoust Churcher | 8 December 2005  | 24 March 2006 |
| DA-16   | A   | Compliance Diagrams     | Playoust Churcher | 24 March 2006    | 24 March 2006 |
| 466.04  |     | DA-1 Planting Layout    | Tramonte Jensen   | 23 March 2005    | 24 March 2006 |
| 466.02  |     | DA-1 Existing Trees     | Tramonte Jensen   | 23 March 2005    | 24 March 2006 |
| 466.03  |     | DA-1 General Layout     | Tramonte Jensen   | 23 March 2005    | 24 March 2006 |

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The provision of a solid wall along the eastern edge of the balconies of Units 15 and 21 to ensure the privacy of Units 15, 16, 21 and 22.
5. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

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

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

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

- Each elevation
- Photographs of the stone pier and timber lattice fence at the rear of No 9 Woodside Avenue.
- All structures on site such as sheds, outhouses and significant landscape features for all houses.
- Several photographs of houses from public streets including several views showing their relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Floor Plans (1:100)
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- Colour slides (one set)

Digital images and CDs may be submitted as supplementary information.

6. Should and electrical substation need to be established on the premises and an area to satisfy Energy Australia's conditions for an electrical substation, such area shall not reduce the deep soil area proposed.
7. Drying areas being provided on balconies or a discreet drying area being provided in the communal landscaped area.
8. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
9. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
10. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
11. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
12. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

13. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

14. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
15. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
16. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

19. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
20. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
24. 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.
25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
28. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.

29. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
33. Compliance with the commitments set out in BASIX Certificate Number 144136M, dated 14 December 2005.
34. Removal, or pruning of the following trees, is not approved as part of this Development Application:  
Tree/ Location  
#12 *Cupressus sempervirens* (Italian Cypress)  
Adjacent to Woodside Ave site frontage  
#13 *Cupressus sempervirens* (Italian Cypress)  
Adjacent to Woodside Ave site frontage  
#16 *Lagerstroemia indica* (Crepe Myrtle)  
Adjacent to Woodside Ave site frontage  
#17 *Alnus jorullensis* (Evergreen Alder)  
Adjacent to north-east site boundary in neighbouring property  
#18 *Alnus jorullensis* (Evergreen Alder)  
Adjacent to north-east site boundary in neighbouring property  
#19 *Alnus jorullensis* (Evergreen Alder)  
Adjacent to north-east site boundary in neighbouring property  
#29 *Macadamia tetraphylla* (Macadamia)  
Adjacent to Havilah Rd site frontage  
#32 *Acmena smithii* (Lillypilly)  
Adjacent to Havilah Rd site frontage  
#36 *Livistona chinensis* (Fan Palm)  
Adjacent to north-east site boundary  
#37 *Alnus jorullensis* (Evergreen Alder)  
Adjacent to north-east site boundary in neighbouring property  
#42 *Camellia japonica* (Japanese Camellia)  
Adjacent to Woodside Ave site frontage  
#44 *Magnolia soulangeana* (Soul's Magnolia)

Adjacent to Woodside Ave site frontage

#54 *Livistona australis* (Fan Palm)  
Adjacent to south-west site boundary

#55 *Franklinia axillaris* (Gordonia)  
Adjacent to south-west site boundary

#56 *Rothmania globosa* (Tree Gardenia)  
Adjacent to southern site corner

#57 *Jacaranda mimosifolia* (Jacaranda)  
Havilah Rd nature strip

#58 *Jacaranda mimosifolia* (Jacaranda)  
Havilah Rd nature strip

#60 *Jacaranda mimosifolia* (Jacaranda)  
Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda)  
Havilah Rd nature strip

35. 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 |
|---|------------|
| #14 <i>Chamaecyparis pisifera</i> (Sawarah Cypress)<br>Within proposed building footprint | Removal    |
| #15 <i>Persea americana</i> (Avocado)<br>Within proposed building footprint               | Removal    |
| #20 <i>Cyathea australis</i> (Tree Fern)<br>Centrally located on site                     | Removal    |
| #21 <i>Franklinia axillaris</i> (Gordonia)<br>Centrally located on site                   | Removal    |
| #22 <i>Washingtonia robusta</i><br>Centrally located on site                              | Removal    |
| #23 <i>Washingtonia robusta</i><br>Centrally located on site                              | Removal    |
| #24 <i>Franklinia axillaris</i> (Gordonia)<br>Centrally located on site                   | Removal    |
| #25 <i>Tristaniopsis laurina</i> (Water Gum)<br>Within proposed building footprint        | Removal    |
| #26 <i>Camellia sasanqua</i> (Chinese Camellia)<br>Within proposed building footprint     | Removal    |
| #27 <i>Camellia sasanqua</i> (Chinese Camellia)<br>Within proposed building footprint     | Removal    |
| #28 <i>Citrus spp</i><br>Adjacent to south-east site boundary                             | Removal    |

|  |         |
|--|---------|
| #30 <i>Acmena smithii</i> (Lillypilly)<br>Within proposed building footprint                 | Removal |
| #33 <i>Cyathea spp</i> (Tree Fern)<br>Adjacent to eastern site corner                        | Removal |
| #34 <i>Cyathea spp</i> (Tree Fern)<br>Adjacent to northeast site boundary                    | Removal |
| #35 <i>Cyathea spp</i> (Tree Fern)<br>Adjacent to north-east site boundary                   | Removal |
| #38 <i>Persea americana</i> (Avocado)<br>Adjacent to south-east site boundary                | Removal |
| #39 <i>Callistemon spp</i> (Bottlebrush)<br>Adjacent to south-east site boundary             | Removal |
| #40 <i>Camellia sasanqua</i> (Chinese Camellia)<br>Within proposed building footprint        | Removal |
| #41 <i>Magnolia soulangeana</i> (Soul's Magnolia)<br>Within proposed building footprint      | Removal |
| #43 <i>Franklinia axillaris</i> (Gordonia)<br>Adjacent to Woodside Ave site boundary         | Removal |
| #45 <i>Chamaecyparis pisifera</i> (Sawara Cypress)<br>Adjacent to Woodside Ave site frontage | Removal |
| #46 <i>Chamaecyparis pisifera</i> (Sawara Cypress)<br>Adjacent to Woodside Ave site frontage | Removal |
| #47 <i>Chamaecyparis pisifera</i> (Sarawah Cypress)<br>Adjacent to western site corner       | Removal |
| #59 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip                      | Removal |
| #62 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip                      | Removal |

36. The trees to be retained on site and within the adjoining nature strip areas 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

37. Landscape works shall be carried out in accordance with Landscape Drawing No 466.02, 466.03, 466.04 prepared by Tramonte jensen Pty Ltd and dated 23/03/2006 submitted with the Development Application, except as amended by the following:

- Tree numbers 45 & 46 are to be shown to be removed and replaced with a native endemic tree species capable of attaining a minimum height of thirteen metres.
- The proposed 'LT' tree species are to be changed so that they are consistent with the *Sydney Bluegum High Forest* (Endemic) plant community. Species are to include *Eucalyptus saligna* (Bluegum), *Eucalyptus pilularis* (Blackbutt), *Angophora floribunda* (Rough barked apple) and *Eucalyptus paniculata* (Grey Gum).
- The additional two *Jacaranda mimosifolia* (Jacaranda) required to be planted within the nature strip on Havilah Rd are to be shown on plan. The trees are to be planted where existing driveway crossovers are to be removed.

38. Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#59 *Jacaranda mimosifolia* (Jacaranda)

Havilah Rd nature strip

39. 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

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

**Tree/Location      Radius From Trunk**

#6 *Eucalyptus sideroxylon* (Mugga Gum)      7.0m

Woodside Ave nature strip

#7 *Eucalyptus sideroxylon* (Mugga Gum)      6.0m

|  |      |
|--|------|
| Woodside Ave nature strip  |      |
| #12 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                      | 4.0m |
| #13 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                      | 3.0m |
| #16 <i>Lagerstroemia indica</i> (Crepe Myrtle)<br>Adjacent to Woodside Ave site frontage                           | 3.5m |
| #17 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 4.0m |
| #18 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 4.0m |
| #19 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 4.0m |
| #29 <i>Macadamia tetraphylla</i> (Macadamia)<br>Adjacent to Havilah Rd site frontage                               | 2.5m |
| #32 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to Havilah Rd site frontage                                     | 3.0m |
| #36 <i>Livistona chinensis</i> (Fan Palm)<br>Adjacent to north-east site boundary                                  | 2.0m |
| #37 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 5.0m |
| #42 <i>Camellia japonica</i> (Japanese Camellia)<br>Adjacent to Woodside Ave site frontage                         | 3.0m |
| #44 <i>Magnolia soulangeana</i> (Soul's Magnolia)<br>Adjacent to Woodside Ave site frontage                        | 3.0m |
| #54 <i>Livistona australis</i> (Fan Palm)<br>Adjacent to south-west site boundary                                  | 2.0m |
| #55 <i>Franklinia axillaris</i> (Gordonia)<br>Adjacent to south-west site boundary                                 | 3.5m |
| #56 <i>Rothmania globosa</i> (Tree Gardenia)<br>Adjacent to southern site corner                                   | 3.0m |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip  | 5.0m |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip  | 6.0m |
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip  | 4.0m |

#61 *Jacaranda mimosifolia* (Jacaranda) 5.0m  
Havilah Rd nature strip

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

| Tree/Location  | Radius From Trunk |
|--|-------------------|
| #6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip  | 7.0m              |
| #7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip  | 6.0m              |
| #12 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                      | 4.0m              |
| #13 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                      | 3.0m              |
| #16 <i>Lagerstroemia indica</i> (Crepe Myrtle)<br>Adjacent to Woodside Ave site frontage                           | 3.5m              |
| #17 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 4.0m              |
| #18 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 4.0m              |
| #19 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to northeast site boundary in<br>neighbouring property  | 4.0m              |
| #29 <i>Macadamia tetraphylla</i> (Macadamia)<br>Adjacent to Havilah Rd site frontage                               | 2.5m              |
| #32 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to Havilah Rd site frontage                                     | 3.0m              |
| #36 <i>Livistona chinensis</i> (Fan Palm)<br>Adjacent to north-east site boundary                                  | 2.0m              |
| #37 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 5.0m              |
| #42 <i>Camellia japonica</i> (Japanese Camellia)<br>Adjacent to Woodside Ave site frontage                         | 3.0m              |
| #44 <i>Magnolia soulangeana</i> (Soul's Magnolia)<br>Adjacent to Woodside Ave site frontage                        | 3.0m              |
| #54 <i>Livistona australis</i> (Fan Palm)<br>Adjacent to south-west site boundary                                  | 2.0m              |
| #55 <i>Franklinia axillaris</i> (Gordonia)<br>Adjacent to southwest site boundary                                  | 3.5m              |

|  |      |
|--|------|
| #56 <i>Rothmania globosa</i> (Tree Gardenia)<br>Adjacent to southern site corner | 3.0m |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip          | 5.0m |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip          | 6.0m |
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip          | 4.0m |
| #61 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip          | 5.0m |

42. 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 |
|---|-------------------|
| #6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip                                       | 7.0m              |
| #7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip                                       | 6.0m              |
| #29 <i>Macadamia tetraphylla</i> (Macadamia)<br>Adjacent to Havilah Rd site frontage                            | 2.5m              |
| #32 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to Havilah Rd site frontage                                  | 3.0m              |
| #37 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in neighbouring property | 5.0m              |
| #55 <i>Franklinia axillaris</i> (Gordonia)<br>Adjacent to south-west site boundary                              | 3.5m              |
| #56 <i>Rothmania globosa</i> (Tree Gardenia)<br>Adjacent to southern site corner                                | 3.0m              |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | 5.0m              |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | 6.0m              |
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | 4.0m              |
| #61 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | 5.0m              |

43. 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.
44. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Havilah Rd to replenish the existing avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:
- | Tree Species                             | Quantity |
|--|----------|
| <i>Jacaranda mimosifolia</i> (Jacaranda) | 2        |
45. Following removal of the #59 & 62 *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
46. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
- | Species/From  | To                             |
|---|--------------------------------|
| #'s 48-50 <i>Howea forsteriana</i> (Kentia Palm)      | As shown on plan               |
| #51 <i>Archontophoenix alexandra</i> (Alexandra Palm) | Relocated kentia palm grouping |
47. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
48. The 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.
49. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
50. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47). Note that if the retention volume is less than 20m<sup>3</sup>, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement.

51. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. For this site only, a concession down to a minimum of 39m<sup>3</sup> above ground storage may be available on the detention volume, due to the area of the site which is subject to overland flow. Note that if the retention volume provided is less than 20m<sup>3</sup>, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
52. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
53. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
54. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
55. It is the Applicants and contractors **full responsibility** to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures and excavation are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.

56. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.
57. 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.
58. 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.
59. 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.**
60. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All

sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

61. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
62. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
63. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
64. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
  - Appropriate excavation methods and techniques,
  - Vibration management and monitoring,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the report prepared by Jeffery and Katauskas and all subsequent geotechnical investigation and inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

65. **The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:**

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

- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,  
- **Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.**
- 65A. All overhead power cables located above the Woodside Avenue and Havilah Road, road reserves adjoining the subject site shall be relocated underground to the satisfaction of Energy Australia and Council.
- 65B. For privacy a timber paling fence shall be constructed along the east site boundary to a height of 1.8 metres above the rear terrace level of No.11 Woodside Avenue, and in relation to property No.2A Havilah Road, constructed to a height of 1.8 metres above the existing ground level.

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

66. The street frontage fencing to both Woodside Avenue and Havilah Road shall have a maximum height of 1.2 metres when measured from the adjacent existing ground level located on the outside of the proposed fencing. Details are to be included with the Construction Certificate plans.
67. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.  
Note: Required if cost of works exceed \$25,000.00.
68. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
69. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
70. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWENTY FOUR (24) ADDITIONAL DWELLINGS IS CURRENTLY \$549,503.51. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

|   |            |
|---|------------|
| 1. Community Facilities                                 | \$1,117.76 |
| 2. Park Acquisition and Embellishment Works - Lindfield | \$8,223.35 |
| 3. Sportsgrounds Works                                  | \$1,318.32 |
| 4. Aquatic / Leisure Centres                            | \$27.82    |
| 5. Traffic and Transport                                | \$150.28   |
| 6. Section 94 Plan Administration                       | \$100.04   |

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

71. To preserve the following tree/s, footings of the proposed boundary wall/fence shall be isolated pier or pier and beam construction within the specified radius of

the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate.

| Tree/Location   | Radius in Metres |
|---|------------------|
| #6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip                   | 7.0m             |
| #7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip                   | 6.0m             |
| #16 <i>Lagerstroemia indica</i> (Crepe Myrtle)<br>Adjacent to Woodside Ave site frontage    | 3.5m             |
| #29 <i>Macadamia tetraphylla</i> (Macadamia)<br>Adjacent to Havilah Rd site frontage        | 2.5m             |
| #32 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to Havilah Rd site frontage              | 3.0m             |
| #42 <i>Camellia japonica</i> (Japanese Camellia)<br>Adjacent to Woodside Ave site frontage  | 3.0m             |
| #44 <i>Magnolia soulangeana</i> (Soul's Magnolia)<br>Adjacent to Woodside Ave site frontage | 3.0m             |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip                     | 5.0m             |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip                     | 6.0m             |
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip                     | 4.0m             |
| #61 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip                     | 5.0m             |

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

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

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

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

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

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

| Tree/Location   | Bond Value |
|---|------------|
| #6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip | \$1,000.00 |
| #7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip | \$1,000.00 |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | \$1,000.00 |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | \$1,000.00 |
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | \$1,000.00 |
| #61 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | \$1,000.00 |

74. 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. This condition is imposed to ensure continuous structures will not be placed across separate titles.
75. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully 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" or as specified by Council. 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. Failure to submit this information may delay processing.

**Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the 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 and Council may require immediate removal of unauthorised installations.

76. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:
- The crest required for flood protection has been accommodated in the design,
  - Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and
  - All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

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

77. The Applicant must carry out the following infrastructure works in the Public Road:
- a. Construct a concrete footpath along the Havilah Road frontage of the site.

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

proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

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

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

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

78. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
  - b) 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.
  - c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage

collection at any time from the basement garbage storage and collection area.

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

79. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
80. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plan 205126 H1 to H3 Issue B by Demlakian

Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

81. Prior to issue of the Construction Certificate, a suitably qualified and experienced civil/ hydraulic engineer is to certify that the plans, including the landscape plan, show the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005.
82. Prior to issue of the Construction Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005, have been designed to withstand the forces associated with overland flow.
83. 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 the need for underground cabling, and any need for substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
84. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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

85. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
86. 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 |
|---|------------------|
| #6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip. Pedestrian access<br>to be maintained at all times | 7.0m             |

|   |      |
|---|------|
| #7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip. Pedestrian access<br>to be maintained at all times | 6.0m |
| #12 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                                 | 4.0m |
| #13 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                                 | 3.0m |
| #16 <i>Lagerstroemia indica</i> (Crepe Myrtle)<br>Adjacent to Woodside Ave site frontage                                      | 3.5m |
| #17 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property            | 4.0m |
| #18 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property            | 4.0m |
| #19 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property            | 4.0m |
| #29 <i>Macadamia tetraphylla</i> (Macadamia)<br>Adjacent to Havilah Rd site frontage  | 2.5m |
| #32 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to Havilah Rd site frontage  | 3.0m |
| #36 <i>Livistona chinensis</i> (Fan Palm)<br>Adjacent to north-east site boundary   | 2.0m |
| #37 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property            | 5.0m |
| #42 <i>Camellia japonica</i> (Japanese Camellia)<br>Adjacent to Woodside Ave site frontage                                    | 3.0m |
| #44 <i>Magnolia soulangeana</i> (Soul's Magnolia)<br>Adjacent to Woodside Ave site frontage                                   | 3.0m |
| #54 <i>Livistona australis</i> (Fan Palm)<br>Adjacent to southwest site boundary  | 2.0m |
| #55 <i>Franklinia axillaris</i> (Gordonia)<br>Adjacent to south-west site boundary  | 3.5m |
| #56 <i>Rothmania globosa</i> (Tree Gardenia)<br>Adjacent to southern site corner  | 3.0m |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | 5.0m |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Havilah Rd nature strip   | 6.0m |
| #61 <i>Jacaranda mimosifolia</i> (Jacaranda)  | 5.0m |

Havilah Rd nature strip

87. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
88. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
89. To preserve the following tree/s, 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 if vehicular or repeated pedestrian access is required:

| Tree/Location  | Radius in Metres |
|--|------------------|
| #6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip  | 7.0m             |
| #7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)<br>Woodside Ave nature strip  | 6.0m             |
| #12 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                      | 4.0m             |
| #13 <i>Cupressus sempervirens</i> (Italian Cypress)<br>Adjacent to Woodside Ave site frontage                      | 3.0m             |
| #16 <i>Lagerstroemia indica</i> (Crepe Myrtle)<br>Adjacent to Woodside Ave site frontage                           | 3.5m             |
| #17 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to north-east site boundary in<br>neighbouring property | 4.0m             |
| #18 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to northeast site boundary in<br>neighbouring property  | 4.0m             |
| #19 <i>Alnus jorullensis</i> (Evergreen Alder)<br>Adjacent to northeast site boundary in<br>neighbouring property  | 4.0m             |
| #29 <i>Macadamia tetraphylla</i> (Macadamia)   | 2.5m             |

|   |      |
|---|------|
| Adjacent to Havilah Rd site frontage                          |      |
| #32 <i>Acmena smithii</i> (Lillypilly)                        | 3.0m |
| Adjacent to Havilah Rd site frontage                          |      |
| #36 <i>Livistona chinensis</i> (Fan Palm)                     | 2.0m |
| Adjacent to north-east site boundary                          |      |
| #37 <i>Alnus jorullensis</i> (Evergreen Alder)                | 5.0m |
| Adjacent to north-east site boundary in neighbouring property |      |
| #42 <i>Camellia japonica</i> (Japanese Camellia)              | 3.0m |
| Adjacent to Woodside Ave site frontage                        |      |
| #44 <i>Magnolia soulangeana</i> (Soul's Magnolia)             | 3.0m |
| Adjacent to Woodside Ave site frontage                        |      |
| #54 <i>Livistona australis</i> (Fan Palm)                     | 2.0m |
| Adjacent to south-west site boundary                          |      |
| #55 <i>Franklinia axillaris</i> (Gordonia)                    | 3.5m |
| Adjacent to southwest site boundary                           |      |
| #56 <i>Rothmania globosa</i> (Tree Gardenia)                  | 3.0m |
| Adjacent to southern site corner                              |      |
| #57 <i>Jacaranda mimosifolia</i> (Jacaranda)                  | 5.0m |
| Havilah Rd nature strip                                       |      |
| #58 <i>Jacaranda mimosifolia</i> (Jacaranda)                  | 6.0m |
| Havilah Rd nature strip                                       |      |
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda)                  | 4.0m |
| Havilah Rd nature strip                                       |      |
| #61 <i>Jacaranda mimosifolia</i> (Jacaranda)                  | 5.0m |
| Havilah Rd nature strip                                       |      |

90. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

| Tree/Location                                | Radius in Metres |
|--|------------------|
| #60 <i>Jacaranda mimosifolia</i> (Jacaranda) | 4.0m             |
| Havilah Rd nature strip                      |                  |

91. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to

the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

92. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
93. Following demolition of the dwellings but prior to commencement of bulk excavation, additional geotechnical investigation comprising at least three cored boreholes, is to be carried out. The report of this investigation is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed. Works are to proceed in accordance with the recommendations of this report, including vibration monitoring and excavation support.
94. **Prior to the commencement of any excavation works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of residences at 3 and 11 Woodside Avenue and 2a Havilah Road. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.**
95. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
  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 standing areas
    - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
    - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
    - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

**2. Traffic Control Plan(s) for the site**

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

**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 at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.

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

96. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the ‘Work Zone’. The application must be made at least 15 days prior to the commencement of any

works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

97. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- a) Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
  - b) 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 via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

- Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

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 under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must 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.

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

98. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with

this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

99. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
100. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
101. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
102. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
  - Construction of footpath for the Havilah Road frontage of the development.

**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.**

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

104. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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 and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the flood-proofing structures constructed under another condition of this consent. The terms of the instruments are to require that the structures be maintained in a sound and watertight condition. The Positive Covenant is to be created through an application to the Land Titles Office in the form of a request using form 13PC. The relative location of the structures, 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 covenant must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b) A copy of any works-as-executed drawings required under this consent
  - c) The Engineer's certification of the as-built system.

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

107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
  - a) That the as-constructed car park complies with the approved Construction Certificate plans,
  - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
  - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - d) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - e) That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”,
    - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.
109. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
  - a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - c) That retained water is connected and available for the uses specified on the BASIX Certificate.

- d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- e) That all grates potentially accessible by children are secured.
- f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
110. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
  - Gradients of drainage lines, materials and dimensions.
  - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
  - The size of the orifice or control fitted to any on-site detention system.
  - Dimensions of the discharge control pit and access grates.
  - The maximum depth of storage possible over the outlet control.
  - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

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

111. Prior to issue of the Occupation Certificate, a suitably qualified and experienced civil/ hydraulic engineer is to certify that the as-constructed development, including the landscaping, complies with the approved Construction Certificate plans in relation to the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005.
112. Prior to issue of the Occupation Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005, and the approved Construction Certificate plans, have been constructed to withstand the forces associated with overland flow.
113. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system, and the water quality measures, and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
114. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
  - a) According the relevant Australian Standards and guidelines, and
  - b) According to any approved Geotechnical report undertaken for the development, and
  - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
115. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas 19646Vrpt, the report submitted prior to commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

117. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:

- a) Residences at 3 and 11 Woodside Avenue and 2a Havilah Road;
- b) Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
- c) All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

118. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

118A. Any undergrounding of power lines is to be undertaken using appropriate methods to ensure that the street trees required to be retained remain viable and are maintained.

118B. A proportion of the tall canopy trees to be planted are to be of super advanced size at planting to ensure immediate screening.

118C. To ensure immediate screening to the rear yard and conservatory of No 11 Woodside Avenue, super advanced screening trees are to be planted along the north-east boundary of the site, commencing at the rear of the existing house at No 11 Woodside Avenue and extending to the rear boundary of that property. Details are to be provided with the application for a Construction Certificate.

118D. To ensure privacy to No 11 Woodside Avenue, a suitable screen is to be provided along the north-eastern boundary of the subject site, commencing at a distance of 10 metres from the front boundary and extending to the rear boundary of No 11 Woodside Avenue. The screen is to have a height of 2m above the level of the walkway at No 11 Woodside Avenue. Details are to be provided with the application for a Construction certificate.

## BUILDING CONDITIONS

119. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to

the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
120. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
121. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

122. That one additional canopy tree be planted within the Havilah Road frontage.

*For the Resolution: Councillors Andrew, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson*

*Against the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett & Cross*

212 **2 to 6 Clydesdale Place, Pymble - Demolition of 3 Dwelling Houses & Construction of a Residential Flat Building Comprising 34 Units & Basement Car Parking for 58 Vehicles**

File: DA1428/05

Ward: St Ives

Applicant: Futurespace Pty Ltd

Owner: Glenside Group Pty Ltd

To determine development application No 1428/05 which seeks consent for the demolition of 3 residential dwelling houses and construction of a residential flat building comprising 34 units and basement car parking for 58 vehicles.

**Resolved:**

(Moved: Councillors Hall/Bennett)

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 1428/05 for the demolition of three (3) dwellings and associated structures, and the construction of a residential flat building, comprising thirty four (34) units and basement parking, for a period of two (2) years from the date of the Notice of determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1428/05 and Development Application plans prepared by Future space, reference number DA01 to DA13, dated 25 November 2005 and lodged with Council on 19 December 2005 excepting DA02, 03, 04 and 05, Revision D, which are dated 16 May 2006 (these revisions provide disability access to the communal open space area) and which were lodged with Council on 16 May 2006.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a

clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

15. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
19. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and

furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

20. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Occupation Certificate.
22. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
24. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday,

Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.

25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
29. 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.

30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to

the annoyance, inconvenience, or danger of persons using such public way.

32. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
33. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
34. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
35. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
36. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
37. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
38. Fire hoses are to be maintained on site during the course of demolition.
39. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
40. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
41. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
42. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
43. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
44. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
46. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
47. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
48. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
49. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

50. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
51. 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.
52. 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.
53. 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.**
54. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

55. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
58. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
- Appropriate excavation methods and techniques,
  - Vibration management and monitoring,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,
- must be undertaken in accordance with the recommendations of the report 19902Vrpt by Jeffery and Katauskas and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
59. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,

- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

60. Removal, or pruning of the following trees, is not approved as part of this Development Application:

| Tree/ Location   | Radius From Trunk                      |
|--|--|
| #1 <i>Podocarpus elatus</i> (Brown Pine)<br>Adjacent to north-east site corner                                     | 3.0m                                   |
| #9 <i>Corymbia maculata</i> (Spotted Gum)<br>Adjacent to north-east/Pacific Hwy site boundary                      | 4.0m                                   |
| #10 <i>Callistemon salignus</i> (Bottlebrush)<br>Adjacent to north-east/Pacific Hwy site boundary                  | 4.0m                                   |
| #11 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary                        | 4.0m                                   |
| #12 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary                        | 5.0m                                   |
| #14 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to south-east site boundary                                    | 4.0m                                   |
| #15 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to south-east site boundary                                     | 4.0m                                   |
| #16 <i>Washingtonia filifera</i> (Californian Fan Palm)<br>Adjacent to north-west site boundary                    | 2.0m                                   |
| #24 <i>Cornus florida</i> (Dogwood)<br>Adjacent to western site corner   | 3.0m                                   |
| #25 <i>Magnolia x soulangeana</i> (Soul's Magnolia)<br>Adjacent to western site corner                             | 2.0m                                   |
| #26 <i>Pyrus usseriensis</i> (Manchurian Pear)<br>Adjacent to south-west site boundary in<br>neighbouring property | 4.0m                                   |
| #27 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south-west site boundary                             | 5.0m                                   |
| #28 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south-west site boundary                             | 2.5m on eastern side<br>5.0m elsewhere |
| A. <i>Washingtonia robusta</i> (Mexican Fan Palm)<br>Adjacent to south-west site boundary                          | 3.0m                                   |
| B. <i>Cinnamomum camphora</i> (Camphor laurel)<br>Adjacent to southern site corner                                 | 6.0m                                   |
| C. <i>Cinnamomum camphora</i> (Camphor laurel)<br>Adjacent to southern site corner                                 | 6.0m                                   |
| G. <i>Callistemon viminalis</i> (Bottlebrush)<br>Pacific Hwy nature strip  | 3.0m                                   |
| H. <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)   | 3.0m                                   |

Pacific Hwy nature strip

I. *Callistemon viminalis* (Bottlebrush) 3.0m

Pacific Hwy nature strip

61. 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 |
|--|------------|
| #s 2-8 <i>Cinnamomum camphora</i> (Camphor laurel)<br>Adjacent to the north-east/Pacific Hwy site boundary             | Removal    |
| #17 <i>Arecastrum romanzoffianum</i> (Cocco Palm)<br>Adjacent to north-west/Clydesdale Pl site boundary                | Removal    |
| #18 <i>Chamaecyparis obtusa</i> 'Cripsii' (False Hinoki Cypress)<br>Adjacent to north-west/Clydesdale Pl site boundary | Removal    |
| #19 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)<br>Adjacent to north-west/Clydesdale Pl nature strip         | Removal    |
| #20 <i>Chamaecyparis obtusa</i> 'Cripsii' (False Hinoki Cypress)<br>Adjacent to north-west/Clydesdale Pl site boundary | Removal    |
| #21 <i>Jacaranda mimosifolia</i> (Jacaranda)<br>Adjacent to north-west/Clydesdale Pl site boundary                     | Removal    |
| #22 <i>Chamaecyparis obtusa</i> 'Cripsii' (False Hinoki Cypress)<br>Adjacent to north-west/Clydesdale Pl site boundary | Removal    |
| #23 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to north-east site corner                                   | Removal    |
| #29 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south-west site boundary                                 | Removal    |
| #30 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south-west site boundary                                 | Removal    |
| #31 <i>Populus nigra</i> 'Italica' (Lombardy Poplar)<br>Adjacent to rear north-east site corner                        | Removal    |
| #32 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to rear north-east site corner                              | Removal    |
| #33 <i>Arecastrum romanzoffianum</i> (Cocco Palm)<br>Adjacent to north-west/Clydesdale Pl site frontage                | Removal    |
| #34 <i>Arecastrum romanzoffianum</i> (Cocco Palm)<br>Adjacent to north-west/Clydesdale Pl site frontage                | Removal    |
| #35 <i>Pistacia chinensis</i> (Chinese Pistacio)<br>Adjacent to north-west/Clydesdale Pl site boundary                 | Removal    |

62. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular 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   |

63. Landscape works shall be carried out in accordance with Landscape Drawing No 72.05/181 "A" prepared by Ian Jackson Landscape Architects and dated March 2006 submitted with the Development Application, except as amended by the following:

- The proposed gate and stepping stone path leading to the south east site boundary and to the adjoining park is to be deleted, the fence continued and the area planted as soft landscape.
- The proposed planting of *Cyathea cooperi* (Rough Tree Fern) is to be deleted and replaced with *Cyathea australis* (Tree Fern).

64. 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

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

| <b>Tree/Location</b>  | <b>Radius From Trunk</b> |
|---|--------------------------|
| #1 <i>Podocarpus elatus</i> (Brown Pine)<br>Adjacent to north-east site corner                    | 3.0m                     |
| #9 <i>Corymbia maculata</i> (Spotted Gum)<br>Adjacent to north-east/Pacific Hwy site boundary     | 4.0m                     |
| #10 <i>Callistemon salignus</i> (Bottlebrush)<br>Adjacent to north-east/Pacific Hwy site boundary | 4.0m                     |
| #11 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary       | 4.0m                     |
| #12 <i>Eucalyptus saligna</i> (Bluegum)   | 5.0m                     |

- Adjacent to north-east/Pacific Hwy site boundary
- #14 *Eucalyptus saligna* (Bluegum) 4.0m  
Adjacent to south-east site boundary
- #15 *Acmena smithii* (Lillypilly) 4.0m  
Adjacent to south-east site boundary
- #16 *Washingtonia filifera* (Californian Fan Palm) 2.0m  
Adjacent to north-west site boundary
- #24 *Cornus florida* (Dogwood) 3.0m  
Adjacent to western site corner
- #25 *Magnolia x soulangeana* (Soul's Magnolia) 2.0m  
Adjacent to western site corner
- #26 *Pyrus ussuriensis* (Manchurian Pear) 4.0m  
Adjacent to south-west site boundary in  
neighbouring property
- #27 *Liquidambar styraciflua* (Sweet Gum) 5.0m  
Adjacent to south-west site boundary
- #28 *Liquidambar styraciflua* (Sweet Gum) 2.5m on eastern side  
Adjacent to south-west site boundary 5.0m elsewhere
- A. *Washingtonia robusta* (Mexican Fan Palm) 3.0m  
Adjacent to south-west site boundary
- B. *Cinnamomum camphora* (Camphor laurel) 6.0m  
Adjacent to southern site corner
- C. *Cinnamomum camphora* (Camphor laurel) 6.0m  
Adjacent to southern site corner
- G. *Callistemon viminalis* (Bottlebrush) 3.0m  
Pacific Hwy nature strip
- H. *Melaleuca quinquenervia* (Broad leaf paperbark) 3.0m  
Pacific Hwy nature strip
- I. *Callistemon viminalis* (Bottlebrush) 3.0m  
Pacific Hwy nature strip
66. No mechanical excavation for the approved residential flat 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 |
|--|-------------------|
| #28 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south-west site boundary | 6.0m              |
67. 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 |
|--|-------------------|
| #1 <i>Podocarpus elatus</i> (Brown Pine) | 3.0m              |

|   |                      |
|---|----------------------|
| Adjacent to north-east site corner                            |                      |
| #9 <i>Corymbia maculata</i> (Spotted Gum)                     | 4.0m                 |
| Adjacent to north-east/Pacific Hwy site boundary              |                      |
| #10 <i>Callistemon salignus</i> (Bottlebrush)                 | 4.0m                 |
| Adjacent to north-east/Pacific Hwy site boundary              |                      |
| #11 <i>Eucalyptus saligna</i> (Bluegum)                       | 4.0m                 |
| Adjacent to north-east/Pacific Hwy site boundary              |                      |
| #12 <i>Eucalyptus saligna</i> (Bluegum)                       | 5.0m                 |
| Adjacent to north-east/Pacific Hwy site boundary              |                      |
| #14 <i>Eucalyptus saligna</i> (Bluegum)                       | 4.0m                 |
| Adjacent to south-east site boundary                          |                      |
| #15 <i>Acmena smithii</i> (Lillypilly)                        | 4.0m                 |
| Adjacent to south-east site boundary                          |                      |
| #16 <i>Washingtonia filifera</i> (Californian Fan Palm)       | 2.0m                 |
| Adjacent to north-west site boundary                          |                      |
| #24 <i>Cornus florida</i> (Dogwood)                           | 3.0m                 |
| Adjacent to western site corner                               |                      |
| #25 <i>Magnolia x soulangeana</i> (Soul's Magnolia)           | 2.0m                 |
| Adjacent to western site corner                               |                      |
| #26 <i>Pyrus ussuriensis</i> (Manchurian Pear)                | 4.0m                 |
| Adjacent to south-west site boundary in neighbouring property |                      |
| #27 <i>Liquidambar styraciflua</i> (Sweet Gum)                | 5.0m                 |
| Adjacent to south-west site boundary                          |                      |
| #28 <i>Liquidambar styraciflua</i> (Sweet Gum)                | 2.5m on eastern side |
| Adjacent to south-west site boundary                          | 5.0m elsewhere       |
| A. <i>Washingtonia robusta</i> (Mexican Fan Palm)             | 3.0m                 |
| Adjacent to south-west site boundary                          |                      |
| B. <i>Cinnamomum camphora</i> (Camphor laurel)                | 6.0m                 |
| Adjacent to southern site corner                              |                      |
| C. <i>Cinnamomum camphora</i> (Camphor laurel)                | 6.0m                 |
| Adjacent to southern site corner                              |                      |
| G. <i>Callistemon viminalis</i> (Bottlebrush)                 | 3.0m                 |
| Pacific Hwy nature strip                                      |                      |
| H. <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)      | 3.0m                 |
| Pacific Hwy nature strip                                      |                      |
| I. <i>Callistemon viminalis</i> (Bottlebrush)                 | 3.0m                 |
| Pacific Hwy nature strip                                      |                      |

68. 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.

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

| Tree Species                    | Quantity |
|---------------------------------|----------|
| <i>Nyssa sylvatica</i> (Tupelo) | 7        |

70. 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.
71. 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.
72. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

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

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

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

- Each elevation and selected interiors.
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black and white archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

**Rail Corp**

73. The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
74. The applicant shall request service searches from RailCorp to establish the existence and location of any RailCorp services and structures. Where RailCorp Services are identified the applicant must discuss and agree with RailCorp how these services are to be accommodated in the development.
75. The applicant is to procure a report on the electrolysis risk to the development from stray currents, and the measures that will be taken to control the risk. The applicant is advised to consult an electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.
76. The applicant shall provide a geotechnical engineering report to RailCorp for review by RailCorp's geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition and excavation induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.
77. During all stages of the development environmental legislation and regulations will be complied with.
78. During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the applicant.
79. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the sole responsibility of the applicant.
80. Given the sites location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
81. During excavation the applicant is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the applicant/contractor would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.

82. The current fencing separating this development from the rail corridor is to be replaced with a 2 metres high fence at the developers cost. Details of the type of fencing and the method of erection are to be submitted to RailCorp for review and comment prior to the fencing work being undertaken. RailCorp will provide supervision for the erection of the new fencing.
83. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
84. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
85. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
86. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
87. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
88. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
89. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
90. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
91. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
92. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.

93. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application. In particular, please note that full disabled access shall be provided to all communal areas of the development.
94. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.

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

95. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.
- Note: Required if cost of works exceed \$25,000.00.
96. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
97. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of

the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

98. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
99. To aid cross ventilation, windows are to be provided in Bedroom 1 of Units 4.08, 5.08, 6.07 and 7.05.
100. A suitable screening device shall be provided to the balcony of Unit 5.04 to improve privacy between Units 5.04 and 5.03.
101. A screened outdoor drying area shall be provided in the south eastern corner of the site. This will require the deletion of the outdoor terrace area of Unit 4.07.
102. 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. This condition is imposed to ensure continuous structures will not be placed across separate titles.
103. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully 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" or as specified by Council. 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. Failure to submit this information may delay processing.

**Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the 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 and Council may require immediate removal of unauthorised installations.

104. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the lower edge of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

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

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

- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- b) 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.
- c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage

collection at any time from the basement garbage storage and collection area.

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

106. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater - Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
107. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - Details of water quality measures as required by DCP 47 Chapter 8.
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be

generally based on the Stormwater concept plan by AFCE Environment + Building submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

108. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
109. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
110. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

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

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

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

| Tree/Location   | Bond Value |
|---|------------|
| #9 <i>Corymbia maculata</i> (Spotted Gum)<br>Adjacent to north-east/Pacific Hwy site boundary | \$1,000.00 |
| #11 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary   | \$1,000.00 |
| #12 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary   | \$1,000.00 |
| #14 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to south-east site boundary               | \$2,000.00 |
| #15 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to south-east site boundary                | \$1,000.00 |

112. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 33 ADDITIONAL DWELLINGS IS CURRENTLY \$561,211. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

|                                      |              |
|--------------------------------------|--------------|
| Small dwelling (under 75sqm)         | 1.27 persons |
| Medium dwelling (75 - under 110sqm)  | 1.78 persons |
| Large dwelling (110 – under 150sqm)  | 2.56 persons |
| Very Large dwelling (150sqm or more) | 3.48 persons |

|                                |              |
|--------------------------------|--------------|
| New Lot                        | 3.48 persons |
| SEPP (Seniors Living) Dwelling | 1.3 persons  |

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

113. So as to minimise glare, the roof is to be of subdued colour which is compatible with the surrounding environment. A schedule of external finishes is to be submitted to and approved by the Council prior to the commencement of work.
114. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
115. Following demolition of the residences, but prior to commencement of bulk excavation, additional geotechnical investigation is to be carried out as recommended in the report by Jeffery and Katauskas, 19902Vrpt. The report of this investigation is to include recommendations for vibration monitoring, dilapidation survey and/ or remedial works required on the retaining wall to maintain support to the Pacific Highway road reserve, and recommendations for dilapidation survey of any other structures. The report is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed.
116. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
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 standing areas
    - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
    - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
    - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible and if not possible, an estimate of the number of on- street parking spaces necessary and an alternative legal on-street location for employee parking.
  2. **Traffic Control Plans for the project**
    - All traffic control plans are to be prepared by a person accredited to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
- 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. Routes for construction vehicles travelling south, or approaching the site from the north are to be indicated.**
- Light traffic roads and those subject to a load or height limit must be avoided at all times.
  - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site. In addition, the plan must address:
    - Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
    - A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
    - Minimising construction related traffic movements during school peak periods.

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

To maintain access in Clydesdale Place and Reservoir Lane, the applicant is to install “No Parking” signs along both sides of Clydesdale Place (including turning circle) and on the western side of Reservoir Lane (from Pacific Highway up to the northern Boundary of No. 11 Reservoir Road) which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Clydesdale Place, the maintenance and subsequent removal of the signs would be carried over to the other developer.

117. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
118. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- a) Full road pavement width, including kerb and gutter, of Pacific Highway northbound and Clydesdale Place over the site frontage, including the intersection.
  - b) 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 via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.
119. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- RTA concurrence to the proposed temporary rock anchors
  - How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - That the locations of the rock anchors are registered with Dial Before You Dig
  - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.

- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

120. 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 |
|---|------------------|
| #1 <i>Podocarpus elatus</i> (Brown Pine)<br>Adjacent to north-east site corner                                  | 3.0m             |
| #9 <i>Corymbia maculata</i> (Spotted Gum)<br>Adjacent to north-east/Pacific Hwy site boundary                   | 4.0m             |
| #10 <i>Callistemon salignus</i> (Bottlebrush)<br>Adjacent to north-east/Pacific Hwy site boundary               | 4.0m             |
| #11 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary                     | 4.0m             |
| #12 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to north-east/Pacific Hwy site boundary                     | 5.0m             |
| #16 <i>Washingtonia filifera</i> (Californian Fan Palm)<br>Adjacent to north-west site boundary                 | 2.0m             |
| #24 <i>Cornus florida</i> (Dogwood)<br>Adjacent to western site corner  | 3.0m             |
| #25 <i>Magnolia x soulangeana</i> (Soul's Magnolia)<br>Adjacent to western site corner                          | 2.0m             |
| #26 <i>Pyrus usseriensis</i> (Manchurian Pear)<br>Adjacent to south-west site boundary in neighbouring property | 4.0m             |
| #27 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south-west site boundary                          | 5.0m             |

- A. *Washingtonia robusta* (Mexican Fan Palm) 3.0m  
Adjacent to south-west site boundary
- B. *Cinnamomum camphora* (Camphor laurel) 6.0m  
Adjacent to southern site corner
- C. *Cinnamomum camphora* (Camphor laurel) 6.0m  
Adjacent to southern site corner
121. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed residential flat building shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:
- | Tree/Location  | Radius From Trunk |
|--|-------------------|
| #14 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to south east site boundary        | 5.0m              |
| #15 <i>Acmena smithii</i> (Lillypilly)<br>Adjacent to south east site boundary         | 5.0m              |
| #28 <i>Liquidambar styraciflua</i> (Sweet Gum)<br>Adjacent to south west site boundary | 6.0m              |
122. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
123. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
124. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
125. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to

the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

126. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
127. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
128. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.

The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

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

130. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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 and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
131. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b) A copy of any works-as-executed drawings required under this consent
  - c) The Engineer's certification of the as-built system.

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

132. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
133. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
  - a) That the as-constructed car park complies with the approved Construction Certificate plans,
  - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,

- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - d) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - e) That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”,
    - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
134. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - c) That retained water is connected and available for uses including toilet flushing, laundry, car washing and garden irrigation.
  - d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - e) That all grates potentially accessible by children are secured.
  - f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
135. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

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

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

136. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
137. Prior to issue of the Occupation Certificate a suitably qualified and experienced geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
  - a) According the relevant Australian Standards and guidelines, and
  - b) According to any approved Geotechnical report undertaken for the development, and
  - c) In a manner that ensures that the structural amenity of adjoining structures and property **is fully maintained**.
138. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
139. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the

property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

140. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed including:
- a) Full road pavement width, including kerb and gutter, of Pacific Highway northbound and Clydesdale Place over the site frontage, including the intersection.
  - b) All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

141. 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. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
142. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
143. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

#### BUILDING CONDITIONS

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

- d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
145. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
146. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

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

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

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

147. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

148. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
149. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
150. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

151. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

152. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

153. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
  - k. A Registered Surveyor's Report confirming approved levels of the ground floor.
154. A see through metal fence shall be provided along the boundary of the subject site with No 1992 Pacific Highway to increase surveillance of this property.

**CARRIED UNANIMOUSLY**

213 **Guidelines for the Ku-ring-gai Council Office of the Internal Ombudsman**

File: S04462

The position of Internal Ombudsman was permanently filled on 13 December 2005. This report recommends that Guidelines for the Office of the Internal Ombudsman be adopted.

**Resolved:**

(Moved: Councillors Bennett/Hall)

That the matter be deferred to a Policy Committee for the relationship between the Ombudsman Guidelines and Code of Conduct to be considered.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Lane/Ryan)*

- A. *That Council adopt Guidelines for the Office of the Internal Ombudsman in accordance with Attachment A.*
- B. *That once adopted, the Internal Ombudsman operate within such Guidelines.*

214 **Telecommunications Carriage - Tender Report**

File: S04716

To provide information on Council's tender for telecommunications carriers and recommend a carrier for Council's mobile phone call services.

**Resolved:**

*(Moved: Councillors Bennett/Hall)*

- A. That Council accept the tender from Optus for mobile services and call rates in accordance with the terms and conditions contained in their tender.
- B. That Council not accept any of the tenders for fixed land line services and call rates, internet services and rates and Virtual Private Networking services and rates, pending the assessment of a current tender covering the replacement of Council's PABX.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Ryan/Ebbeck)*

- A. *That Council accept the tender from Optus for mobile services and call rates in accordance with the terms and conditions contained in their tender with the exception that Council negotiate a contract term of six years made up of six one year periods on the proviso that other terms and conditions are maintained and it is legally possible to do so.*

- B. That Council not accept any of the tenders for fixed land line services and call rates, internet services and rates and Virtual Private Networking services and rates, pending the assessment of a current tender covering the replacement of Council's PABX.*

## QUESTIONS WITHOUT NOTICE

### 215 **Underground Car Parking - Hours of Access**

File: S02859

Question Without Notice from Councillor L Bennett

In calculating the recurrent costs of undergrounding car parking, is it reasonable to assume that the hours of the car parking access would be from 7 am with the car parks all closed at 8 pm every night of the week?

#### **Answer by the Director Technical Services**

I will take that Question on notice.

### 216 **Car Parking Expenditure**

File: S02859

Question Without Notice from Councillor L Bennett

Could I have a breakdown of expenditure over the last 5 years on Council's at grade car parks by site and category of expenditure?

#### **Answer by the Director Technical Services**

That will have to be a combination between Finance and Technical Services.

### 217 **Ministerial Letters - Councillors Information**

File: S03324

Question Without Notice from Councillor T Hall

Would the General Manager include all letters from Ministers addressed to the Mayor/General Manager in the 'Greens' to the next Council meeting as information in future?

#### **Answer by the General Manager**

I am quite happy to do that.

218 **St Ives Village Green**

File: S04066

Question Without Notice from Councillor T Hall

At its meeting of 28 June 2006, the St Ives Progress Association has identified as a possible Aquatic/Leisure Centre on the St Ives Village Green and I enclose the Agenda.

- a. Would the Mayor reply to the Association, copying Councillors, that the protection of the St Ives Village Green is embraced by a Council resolution of April 1988 prohibiting any further development (of this nature) and the more recent National Trust of Australia heritage listing, which will be taken into consideration in the final determination of an appropriate site for such a Centre?
- b. Would the General Manager consider and reply to the Association regarding the information it has supplied in this Agenda on this matter and whether he agrees with the content?

**Answer by the Mayor**

Councillor Hall, I have received nothing whatsoever from this Association so in my opinion there is nothing to reply to and until I receive something, I wont be entering into a dialog with a local community group unless they approach me on the subject.

Councillor Hall, the answer is No, I will not. It's not appropriate.

219 **Request Answers to Questions Without Notice**

Files: S02456, S04350, S04840

Question Without Notice from Councillor M Shelley

Would the Director Technical Services and the Director Community Services advise when I might expect a response to my Questions Without Notice:

- a. 14 March 2006: To Director Technical Services regarding the construction of a footbridge at Lindfield Public School across the Pacific Highway.
- b. 4 April 2006: To Director Technical Services regarding the City of Casey's approach to zero tolerance, graffiti, vandalism.
- c. 20 April 2006: To Director Community Services regarding purchasing an artwork from the Annual Tutors Show held at Ku-ring-gai Art Centre?

**Answer by the Director Technical Services**

I will have to go back & check which items they are. I thought there were some that were answered. I know there was one on the graffiti that I haven't answered but I am not too sure about the others. I will report back.

**Answer by the Director Community Services**

It's coming to the Finance Committee. We have a report to the next Finance Committee where we will discuss it.

*Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following item  
after a Motion moved by Councillors Shelley & Lane,  
which was CARRIED UNANIMOUSLY*

220 **Council ats Meriton Apartments Pty Ltd - Land & Environment Court  
Action 10243 of 2006**

*(Section 10A(2)(g) - Advice concerning litigation).*

File: S04837

Report by Council's Corporate Lawyer & General Manager dated 13 June 2006

**Resolved:**

(Moved: Councillors Hall/Shelley)

- A. That Council receive and note the contents of this report and associated advice from Phillips Fox.
- B. That a report be requested on the outcome of the matter.

**CARRIED UNANIMOUSLY**

*To Open Council*

The Mayor adverted to the consideration of the matter referred to in Minute No 220, and to the resolution contained in such Minute.

*The Meeting closed at 9.02pm*

The Minutes of the Ordinary Meeting of Council held on 13 June 2006 (Pages 1 - 118) were confirmed as a full and accurate record of proceedings on 27 June 2006.

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General Manager

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Mayor / Chairperson