

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 7 FEBRUARY 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)
Councillor M Shelley (Roseville Ward)

Staff Present: Acting General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Director Community Services (Janice Bevan)
Acting Director Finance & Business (John Clark)
Senior Governance Officer (Geoff O'Rourke)
Admin Assistant (Keri Blackman)

The Meeting commenced at 7.01pm

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 such interests were declared.

1 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 Mirvac Properties Pty Ltd - Land & Environment Court Proceedings No 1165 of 2005 - 10 to 16 Marian Street, Killara

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

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 Refer MM.1 - Graeme Innes - Mayoral Minute amended on
Items: 7 February 2006 by the Mayor.

New Item - Petition to Support State Government's Directive to Ku-ring-gai Council regarding Turramurra Town Centre (One Hundred & Twenty-Seven [127] Signatures).

Refer GB.10 - Draft Sport in Ku-ring-gai - Memorandum from Director Open Space & Planning dated 1 February 2006 with an updated attachment to the original report that was bound within the Business Paper Book No 01/06.

Refer GB.3: 25A, 27 & 29 Lorne Avenue, Killara - Memorandum by Director Development & Regulation dated 7 February 2006.

Refer GB.3: 25A, 27 & 29 Lorne Avenue, Killara - Memorandum by Council's Corporate Lawyer dated 7 February 2006.

Refer GB.10: Draft Sport in Ku-ring-gai - Memorandum by Director Open Space & Planning received 7 February 2006.

Refer GB.12: NSROC Sub-Regional Planning Strategy - Memorandum by Director Open Space & Planning dated 7 February 2006.

Refer GB.13: Town Centres Planning Work Programme - Memorandum by Director Open Space & Planning dated 7 February 2006.

CONFIRMATION OF MINUTES

2 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 13 December 2005

Minutes numbered 538 to 574

Resolved:

(Moved: Councillors Ebbeck/Cross)

That Minutes numbered 538 to 574 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

3 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 15 December 2005

Minutes numbered EMC1 to EMC6

Resolved:

(Moved: Councillors Ebbeck/Cross)

That Minutes numbered EMC1 to EMC6 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

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

Against the Resolution: Councillor Hall

MINUTES FROM THE MAYOR

4 **Graeme Innes AM**

File: S02024

It was a sad night for all Ku-ring-gai Councillors when we learned that Graeme Innes was to resign from his position as a Councillor. Graeme has taught us all a lot and his good humour and commonsense have made him an excellent role model.

I would like to acknowledge the valuable contribution Graeme made to Council and, on behalf of all Ku-ring-gai Councillors and staff, wish him the best in his new role as Australia's Human Rights and Acting Disability Discrimination Commissioner.

We have been fortunate to have had Graeme as a Councillor for the past two years. As a highly qualified lawyer, advocate and mediator, he has brought a wealth of skills and experience to Council.

Graeme has vast experience as a chair or member of a wide range of organisations and tribunals.

He has been Deputy Disability Discrimination Commissioner since 1999 and has also been a member of the NSW Administrative Decisions Tribunal, the NSW Consumer, Trader and Tenancy Tribunal and the Social Security Appeals Tribunal.

Graeme has worked tirelessly in the field of disability issues. He played a major role in forming the Commonwealth Disability Discrimination Act and is a member of the Australian delegation to the United Nations developing a Convention on the Rights of People with Disabilities.

Graeme was also the first blind President of the Royal Blind Society of NSW and the first chair of Vision Australia.

In 1995, he was admitted as a Member of the Order of Australia for his contribution to developing disability discrimination legislation.

Since being elected in March 2004, Graeme has brought all this experience to his role at Council. He is an articulate debater in meetings, well known for his good humour and wit. Graeme was a role model for us in the way he showed respect to all his fellow Councillors and for their differing views. I was lucky enough to sit next to Graeme in Council meetings and I have really enjoyed his company as well as working with him on Local Government matters.

While I'm sorry he has resigned his Councillor duties, his new role was simply an opportunity too good to refuse and I for one am very proud of Graeme's success. It is an influential and prestigious position which will allow Graeme to use all his experience and skills in the human rights and equal opportunity fields and I am sure he will achieve more using his unique talents in his new role than as a Councillor.

On behalf of all Ku-ring-gai Councillors and Staff, I would like to publicly thank Commissioner Graeme Innes for his contribution to Council and wish him all the best in his new role. I would also like to invite Graeme to visit us during some of our Year 2006 Centenary events.

Recommendation:

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

PETITIONS

**5 Objection to Scale and Character of St Ives Village Shopping Complex -
 (Ninety-Six [96] Signatures)**

File: S03920

"The Cowan Road Residents' Action Group and residents of Cowan Road petition against the scale and character of the St Ives Village Shopping Complex."

Resolved:

(Moved: Councillors Bennett/Hall)

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

CARRIED UNANIMOUSLY

6 **Petition to Support State Government's Directive to Ku-ring-gai Council regarding Turramurra Town Centre - (One Hundred & Twenty-Seven [127] Signatures)**

File: S04038

"We, local residents & businesses, support the State Government's directive to Ku-ring-gai Council to increase commercial & residential facilities including:

- * Moving the Coles Supermarket from Ray Street to the car park in Turramurra Avenue.
- * Building a leisure & aquatic centre in Ray Street.
- * Turning Turramurra Avenue & Rohini Street into one-way thoroughfares".

Resolved:

(Moved: Councillors Ebbeck/Lane)

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

CARRIED UNANIMOUSLY

7 **Request Construction of Concrete Pedestrian Footpath from 400 to 408 Mona Vale Road, St Ives - (Sixty-Seven [67] Signatures)**

File: S03222

The following Petition was presented by Councillor Hall on 7 February 2006:

"We, the undersigned residents of Mona Vale Road and Richmond Avenue, St Ives, respectfully request that Ku-ring-gai Council provide a concrete pedestrian footpath along the western side of Mona Vale Road, St Ives extending from 400 Mona Vale Road to 408 Mona Vale Road, St Ives."

Resolved:

(Moved: Councillors Hall/Bennett)

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

CARRIED UNANIMOUSLY

8 **Intersection of Shinfield Avenue & Rosedale Road, St Ives - Petition to Request Erection of a Roundabout and or a Chicane - (Thirteen [13] Signatures)**

File: S03131

The following Petition was presented by Councillor Hall on 7 February 2006:

"We, the undersigned, urgently recommend that Council erect a roundabout and/or a chicane to the intersection of Shinfield Avenue & Rosedale Road, St Ives.

Also, request an investigation into slowing the traffic down along Rosedale Road, St Ives."

Resolved:

(Moved: Councillors Hall/Bennett)

That the Petition be received and referred to the Ku-ring-gai Traffic Committee for attention and advice.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

9 **Minutes of Companion Animals Committee - Meeting held 27 October 2005**

File: S03449

To submit Minutes of the Companion Animals Advisory Committee held on 27 October 2005 for the information of Council.

Resolved:

(Moved: Councillors Lane/Shelley)

- A. That the minutes of the Companion Animals Advisory Committee meeting held on 27 October 2005 be received and noted.
- B. That Council host the next Pet's Day Out on Sunday 28 May 2006 at St Ives Showground.
- C. That future meetings of the Committee be held on Wednesday evenings, with the exception of the 4th Wednesday of the month, commencing no earlier than 6.30pm.

CARRIED UNANIMOUSLY

10 Ku-ring-gai Access Advisory Committee - Meeting of 15 December 2005

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005.

Resolved:

(Moved: Councillors Lane/Shelley)

- A. That the Minutes of the Ku-ring-gai Access Advisory Committee of 15 December 2005 be received and noted.
- B. That the nominations of community representatives be accepted by Council.

CARRIED UNANIMOUSLY

11 Investment Cash Flow & Loan Liability as at 30 November 2005

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File: S02722

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

Resolved:

(Moved: Councillors Lane/Ryan)

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

CARRIED UNANIMOUSLY

12 Tree Preservation Order

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File: S02052

To advise Council of the status of the Tree Preservation Order (TPO) Review, including the proposed draft order, and guidelines for tree assessment and tree replenishment, and make recommendations concerning the exhibition of the draft order.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That Council note the information provided in regard to the recent community consultation, and the proposed draft Tree Preservation Order and endorse the exhibition of the draft Tree Preservation Order and draft guidelines for tree assessment and tree replenishment in this report.
- B. That the draft TPO provisions be included within the draft St Ives Town Centres DCP prior to the exhibition of the draft DCP.

CARRIED UNANIMOUSLY

13 **Draft Amendments to Development Control Plan No 28 - Advertising Signs**

File: S02367

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That Council exhibits draft Development Control Plan No 28 – Advertising Signs for a period of 28 days in accordance with the provisions of the EP&A Act.
- B. That a report be brought to Council following the exhibition.

CARRIED UNANIMOUSLY

14 **347 Mona Vale Road, St Ives**

File: DA0565/05

Ward: St Ives

To refer the application back to Council following a site meeting and seek Council's determination of the development application.

Resolved:

(Moved: Councillors Hall/Bennett)

THAT the Council, as the consent authority, grant development consent to DA 565/05 for the demolition of the existing dwelling and associated structures and construction of an attached dual occupancy on land at 347 Mona Vale Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 565/05 and Development Application plans prepared by Rob Crump, reference number 1817 sheets, dated 22 August 2005 and lodged with Council on 29 August 2005.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of 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.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. 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.

10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. 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.
12. 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.

13. The fence and footings shall be constructed entirely within the boundaries of the property.
14. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
15. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
16. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
17. 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.
18. 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.

19. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
20. 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.
21. 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.
22. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
23. 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.
24. 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.

25. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
26. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
27. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
28. 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/or the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
29. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided to control the rate of runoff leaving the site. Separate systems are to be provided for each dwelling except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). 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.
30. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
31. 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 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.

32. 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.**
33. 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.
34. 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”.
35. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.
36. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
37. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 3	4m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 4	4m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 5	4m

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

39. To preserve health and condition of the following trees, all activities, including fencing, excavation and root pruning, within the primary root zone of the following trees, shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3

Phoenix canariensis (Canary Island Palm) Tree 4

Phoenix canariensis (Canary Island Palm) Tree 5

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

Plant Species

Asparagus densiflorus (Asparagus Fern)

Hedera sp. (Ivy)

Nephrolepis cordifolia (Fishbone fern)

Cinnamomum camphora (Camphor laurel)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

42. 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.

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

43. 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.

44. 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).

45. 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.
46. 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.
47. 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 1 ADDITIONAL DWELLING IS CURRENTLY \$32,324.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may

vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - St Ives	\$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

48. Prior to issue of the Construction Certificate the applicant must submit certification from a registered surveyor, for approval by the Principal Certifying Authority, which states that the subject site is benefited by the necessary easement(s) for stormwater drainage **as far as the approved point of discharge** to the public drainage system. This certification must be based on the sighting of *registered* Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s). A copy of the registered title documents demonstrating the benefits and burdens must be attached to the certification from the surveyor submitted to the Principal Certifying Authority for approval.
49. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced civil/hydraulic engineer that:
- Any existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory operating condition, and
 - The existing pipes to be utilised have the hydraulic capacity to carry uncontrolled post-developed flows from the subject property as far as the approved point of discharge to the public drainage system.

Where it is found that existing interallotment pipes do not exist, are in disrepair or will have insufficient hydraulic capacity to carry additional uncontrolled flows from the

approved development, the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority, prior to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 and AS3500.3 Plumbing and Drainage Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line. The following engineering details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
 - b. The contributing catchment calculations and supporting pipe sizing information,
 - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed interallotment drainage system,
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
50. Prior to issue of the Construction Certificate the required interallotment drainage system must be installed, surveyed and certified. The designing engineer or equivalent professional engineer must supervise the works. At the completion of the interallotment works the following must be submitted to the Principal Certifying Authority (PCA) for approval:
- a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within existing drainage easement(s).
51. 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.

52. 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.
53. 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:
 - a. Exact location and reduced level of discharge point to the public drainage system.
 - b. 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).
 - c. 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.
 - d. 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.
 - e. 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).
 - f. 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 concept plan by AFCE , job no. 352201, dated 5/ 2005 submitted for Development Application approval, except where the following matters which are to be addressed for construction issue purposes:

- a. Stormwater runoff from the proposed driveway shall be directed to the on-site detention system prior to discharging to the interallotment drainage system.
 - b. An inspection/access grate measuring 600mm x 900mm shall be installed directly over the outlet of the OSD system to allow the need to enter the tank for maintenance reasons.
 - c. Step irons are to be provided for the proposed tank where the internal depth exceeds 1.2 metres.
54. The submitted Landscape plan - Stage 1, Dwg 23.05/076, prepared by Ian Jackson Landscape Architect, dated June 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- * Location of canopy trees within canopy spread of significant specimens of *Phoenix canariensis* (Canary Island Palm) is not supported. Only one canopy tree is required as the three existing significant palms are to be included as canopy trees. The 3 canopy trees proposed in the front setback are to be deleted.
 - * Pedestrian access of stepping stones to front door of dwellings is not considered reasonable provision of pathways and is to be upgraded through the use of solid paving.
55. A CASH BOND/BANK GUARANTEE of \$2,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during

this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

56. A CASH BOND/BANK GUARANTEE of \$3,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3

Phoenix canariensis (Canary Island Palm) Tree 4

Phoenix canariensis (Canary Island Palm) Tree 5

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

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

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

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

Tree/Location

Phoenix canariensis (Canary Island Palm) Tree 3

Phoenix canariensis (Canary Island Palm) Tree 4

Phoenix canariensis (Canary Island Palm) Tree 5

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

59. 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.
60. 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 dwelling shall be fenced off for the specified radius from the trunk to prevent any activities, storage or

the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 3	3m
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 5	3m

63. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

64. 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.
65. 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.

66. 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.

67. 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 specified in BASIX and/or DCP 47 commitments (all toilet flushing, laundry 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:

- a. Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - b. On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
68. 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:
- a. As built (reduced) surface and invert levels for all drainage pits.
 - b. Gradients of drainage lines, materials and dimensions.

- c. As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- d. 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.
- e. The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- f. As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- g. The size of the orifice or control fitted to any on-site detention system.
- h. Dimensions of the discharge control pit and access grates.
- i. The maximum depth of storage possible over the outlet control.
- j. 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.

BUILDING CONDITIONS

69. 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. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
70. 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.
71. 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.

72. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

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

73. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
74. 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.

75. 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.

76. 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. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - d. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

CARRIED UNANIMOUSLY

15 **17 to 19 Newhaven Place St Ives - Alter Terms of Existing Council's Drainage Easement**

File: P53867

Ward: St Ives

To consider a request by the owner of 17 to 19 Newhaven Place, St Ives to alter the terms of the Council's drainage easement over the downstream property to permit discharge into a Council pipeline.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council grants approval to alter the terms of the Council Easement LD3733 burdening No.30 Stanley Street, St Ives.
- B. That authority be given to affix the Common seal of the Council to the appropriate instrument for the alteration of the easement.
- C. That altering the terms of the Easement to Drain Water be carried out by the applicant's solicitor and all legal, survey and Council's administrative costs be borne by the applicant.
- D. That Council approves the connection of the stormwater drainage pipeline from 17 to 19 Newhaven Place, St Ives to Council's drainage easement.

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

Against the Resolution: Councillor Bennett

16 **5 Munderah Street, Wahroonga - Demolition of an Existing Dwelling, Construction of Two Residential Flat Buildings Containing 34 Units, Basement Car Parking & Landscaping.**

File: DA0956/05

Ward: Comenarra

Applicant: Gelder Architects

Owner: Gennaro & Maria Abbignano

To determine Development Application No 956/05 which seeks consent for demolition and the construction of a residential development comprising underground parking for 77 cars and 2 residential flat buildings containing 34 dwellings.

Resolved:

(Moved: Councillors Andrew/Ebbeck)

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 956/05 for the demolition of existing structure and the construction of a 2 residential flat buildings (34 units), basement car parking and landscaping on land at 5 Munderah Street, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans numbered DA01, DA02B, DA03B, DA04B, DA05, DA06, DA07, DA08, DA09, dated January 2005 drawn by Gelder Architect Group and Landscape Plans 1232 – LP/01, LP1.1 and LP 1.2 dated 28 November 2005 drawn by John Lock and Associates and endorsed with Council's approval stamp, except where amended by the following conditions:
2. 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.
3. 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 the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).

4. 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.
5. 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.
6. 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.
7. 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.
8. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any party or parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject property. It is the applicant's full responsibility to ensure that any rights-at-law are upheld. Council accepts no responsibility whatsoever, either now or in the future, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
9. 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.

10. 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 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.
11. 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.**
12. 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.
13. 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".
14. 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 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.

15. 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. A concealed single action button may be acceptable provided it is in an accessible position, subject to the approval of Council's Manager, Waste Services.

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

Tree/ Location

#15 *Cedrus atlantica* (Atlantic Cedar)

Adjacent to eastern site boundary

#19 *Cupressocyparis spp.* (Cypress)

Adjacent to eastern site boundary

#20 *Cupressus spp.* (Cypress)

Adjacent to eastern site boundary

17. The trees to be retained on site and adjoining the site boundaries shall be inspected, photographed, 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 (including photographs) from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

The trees to be retained on site and adjoining the site boundaries shall be inspected, photographed, 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 (including photographs) 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.

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

Tree/Location

#5 *Cinnamomum camphora* (Camphor laurel)

Munderah St nature strip

#7 *Cinnamomum camphora* (Camphor laurel)
Munderah St nature strip

#39 *Cinnamomum camphora* (Camphor laurel)
Munderah St nature strip

Franklinia axillaris (Gordonia)
Munderah St nature strip

19. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location	Tree Works
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	Minor canopy pruning on western side

#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	Lifting of canopy on western side
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#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary building	Minor canopy pruning to accommodate new building
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20. 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

21. 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
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine)	7.0m

Adjacent to eastern site boundary	
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m
Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzygium leuhmanii</i> (Lillypilly)	3.0m
Adjacent to eastern site boundary	
#19 <i>Cupressocyparis spp.</i> (Cypress)	5.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus spp.</i> (Cypress)	3.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Irn Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.5m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	5.0m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Coccos Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	3.5m
Adjacent to eastern site boundary to the north of tree #20	
<i>Unidentified tree species</i>	3.0m
Adjacent to the eastern site boundary to the north of tree #20	
<i>Eucalyptus saligna</i> (Bluegum)	8.0m
Adjacent to south west site corner in neighbouring property	
22. 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

#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	6.0m on western side
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	5.0m on south west side
#29 <i>Grevillea robusta</i> (Silky Oak) Straddling western site boundary	5.0m
#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#31 <i>Castanospermum australe</i> (Blackbean) Adjacent to western site boundary	5.0m on eastern side
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site corner in neighbouring property	8.0m

23. 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>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree) Adjacent to eastern site boundary	3.0m
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	3.5m
#18 <i>Syzigium leuhmanii</i> (Lillypilly) Adjacent to eastern site boundary	3.0m
#19 <i>Cupressocyparis spp.</i> (Cypress) Adjacent to eastern site boundary	5.0m
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	3.0m on south west side 6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Irn Bark) Adjacent to eastern site boundary in neighbouring property	10.0m

#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#29 <i>Grevillea robusta</i> (Silky Oak) Straddling western site boundary	3.5m
#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#31 <i>Castanospermum australe</i> (Blackbean) Adjacent to western site boundary	5.0m
#33 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to western site boundary	2.5m
#34 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to western site boundary	4.0m
<i>Unidentified tree species</i> Adjacent to north east site corner in adjoining property at rear	7.0m
<i>Unidentified tree species</i> Adjacent to eastern site boundary to the north of tree #20	3.5m
<i>Unidentified tree species</i> Adjacent to the eastern site boundary to the north of tree #20	3.0m
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	8.0m
24. 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
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m

- | | |
|--|-------------------------|
| Adjacent to eastern site boundary | |
| #15 <i>Cedrus atlantica</i> (Atlantic Cedar) | 3.5m |
| Adjacent to eastern site boundary | |
| #18 <i>Syzygium leuhmannii</i> (Lillypilly) | 3.0m |
| Adjacent to eastern site boundary | |
| #19 <i>Cupressocyparis spp.</i> (Cypress) | 5.0m |
| Adjacent to eastern site boundary | |
| #20 <i>Cupressus spp.</i> (Cypress) | 3.0m on south west side |
| Adjacent to eastern site boundary | 6.0m elsewhere |
| #21 <i>Eucalyptus sideroxylon</i> (Irn Bark) | 10.0m |
| Adjacent to eastern site boundary in neighbouring property | |
| #24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) | 3.0m |
| Centrally located on site | |
| #25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) | 3.0m |
| Centrally located on site | |
| #29 <i>Grevillea robusta</i> (Silky Oak) | 3.5m |
| Straddling western site boundary | |
| #30 <i>Jacaranda mimosifolia</i> (Jacaranda) | 5.0m |
| Adjacent to western site boundary | |
| #31 <i>Castanospermum australe</i> (Blackbean) | 5.0m |
| Adjacent to western site boundary | |
| #33 <i>Syragus romanzoffianum</i> (Coccos Palm) | 2.5m |
| Adjacent to western site boundary | |
| #34 <i>Taxodium distichum</i> (Swamp Mahogany) | 4.0m |
| Adjacent to western site boundary | |
| <i>Unidentified tree species</i> | 7.0m |
| Adjacent to north east site corner in adjoining property at rear | |
| <i>Unidentified tree species</i> | 3.5m |
| Adjacent to eastern site boundary to the north of tree #20 | |
| <i>Unidentified tree species</i> | 3.0m |
| Adjacent to the eastern site boundary to the north of tree #20 | |
| <i>Eucalyptus saligna</i> (Bluegum) | 8.0m |
| Adjacent to south west site corner in neighbouring property | |
25. 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.
26. The following tree species shall be planted as an evenly spaced formal avenue planting, at no cost to Council, in the nature strip fronting the property along Munderah St. The tree/s used shall be a minimum 25 litre container size specimen/s trees and have a minimum setback from the kerb of 3.0m:

- | Tree Species | Quantity |
|-------------------------------------|----------|
| <i>Eucalyptus saligna</i> (Bluegum) | 5 |
27. Following removal of the *Cinnamomum camphora* (Camphor laurel) and *Franklinia axillaris* (*Gordonia*) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
 28. 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
#22 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Adjacent to eastern site boundary	Northern side of Unit 4 in communal open space.
#23 <i>Picea abies</i> (Blue Spruce) Centrally located on site	Communal open space on the eastern side of the private courtyard of Unit 6.
#26 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	Central location as shown on Landscape Plan.
#38 <i>Livistona australis</i> (Cabbage Tree Palm) Front setback adjacent to driveway	Adjacent to southern site boundary on the eastern side of the proposed driveway.
 29. 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.
 30. 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.

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

31. 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.

32. 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).

33. 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.
34. In order to maximise residential amenity and compliance with State Environmental Planning Policy No. 65, each unit shall be provided with an unenclosed balcony to meet the dimensions required by DCP 55. Revised details of balcony areas shall be submitted with the Construction Certificate, deleting any reference to sliding doors/enclosures.
35. To maximise privacy between medium density housing developments along Munderah Street, 1 metre wide planter boxes shall be provided along the eastern and western of balconies located on the fourth storey (Units 31, 32 and 33). Planting shall be established within planter boxes 1.2 metres above floor level and screen planting of 700mm above. Details shall be submitted with the application for a Construction Certificate, to the satisfaction of the Principal Certifying Authority.
36. In order to prevent visual impact and maintain consistency with architectural themes in the area, the buildings are to be finished in darker, earthen tones. The fourth storey of Building A is to be finished with a darker tone. Details shall be submitted with the Construction Certificate application.
37. 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 IS CURRENTLY \$878,692.54 (based 22 'large' dwellings, 12 x 'very large' dwellings and a credit of 1 x very large dwelling).

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 - <i>Wahroonga</i>	\$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 75m ²)	1.27 persons
Medium dwelling (75 - under 110m ²)	1.78 persons
Large dwelling (110 - under 150m ²)	2.56 persons
Very Large dwelling (150m ² or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

38. 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.

39. The Applicant must carry out the following infrastructure works in the Public Road:
- a. construct a concrete footpath for the 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.

40. 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. Or that the approval of Council’s Manager Waste Services has been obtained to the proposed means of access.
 - The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.
41. 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.
42. 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).
 - Pipes are not to be laid within the Critical Root Zone of trees to be retained unless thrust bored.
 - Stormwater management measures are not to require excessive soil level changes within the Critical Root Zone of trees to be retained.
 - **The project arborist is to endorse the Construction Certificate stormwater management plans.**
 - 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 Mitchell Howes for Development Application approval, which are to be advanced as necessary for construction issue purposes.
43. 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.
44. 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.
45. A report is to be submitted and approved to the heritage officer's satisfaction 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 recognized consultants or other suitably qualified consultants who have 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
- Selected interiors
- All structures on site such as sheds, outhouses, tennis court and pool
- 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.
- Location Plan showing relationship of site to nearby area.
- Site plan to scale (1:200 – 1:500) showing all structures and site elements.
- Floor Plan (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.

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

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

47. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#8 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree) Adjacent to eastern site boundary	3.0m

#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	3.5m
#18 <i>Syzigium leuhmanii</i> (Lillypilly) Adjacent to eastern site boundary	3.0m
#19 <i>Cupressocyparis spp.</i> (Cypress) Adjacent to eastern site boundary	5.0m
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	3.0m on south west side 6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Irn Bark) Adjacent to eastern site boundary in neighbouring property	10.0m
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#29 <i>Grevillea robusta</i> (Silky Oak) Straddling western site boundary	3.5m
#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#31 <i>Castanospermum australe</i> (Blackbean) Adjacent to western site boundary	5.0m
#33 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to western site boundary	2.5m
#34 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to western site boundary	4.0m
<i>Unidentified tree species</i> Adjacent to north east site corner in adjoining property at rear	7.0m
<i>Unidentified tree species</i> Adjacent to eastern site boundary to the north of tree #20	3.5m
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	8.0m
48. To preserve the following tree/s, footings of the proposed retaining wall 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
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	3.5m
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	3.0m on south west side 6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark) Adjacent to eastern site boundary in neighbouring property	10.0m
<i>Unidentified tree species</i> Adjacent to north east site corner in adjoining property at rear	7.0m
<i>Unidentified tree species</i> Adjacent to eastern site boundary to the north of tree #20	3.5m
<i>Unidentified tree species</i> Adjacent to the eastern site boundary to the north of tree #20	3.0m

49. To preserve the following tree/s, footings of the proposed entry portico 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
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	8.0m

50. The submitted landscape plan 1232-LP/01 rev C, 1232-LP/1.1 Rev C & 1232-LP1.2 Rev C prepared by John Lock and Associates and dated 28/11/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The proposed location of the transplanted *Livistona australis* (Cabbage Tree Palm) adjacent to the south west site corner beneath the canopy drip line of the *Eucalyptus saligna* (Bluegum) located adjacent to the western site boundary in the neighbouring property, is to be changed so that the relocated palms are located on the eastern side of the proposed driveway, outside of the canopy drip line of the *Eucalyptus saligna* (Bluegum).
- The proposed planting of four *Angophora costata* (Sydney Redgum) adjacent to the proposed pedestrian footpath adjacent to the western site boundary in the front setback is to be deleted as they conflict with the canopies of existing trees

being retained. The four Angophora's can be replaced with four small exotic feature trees capable of reaching a maximum height of 6.0m if desired.

- The proposed planting of two *Pyrus ussuriensis* (Manchurian Pear) on the south side of Unit 5 are to be deleted.
- The proposed planting of two *Pyrus ussuriensis* (Manchurian Pear) on the western side of Unit 5 between the unit and the pedestrian path are to be relocated so that they are on the western side of the footpath.
- Tree#15 is to be shown to be retained and the landscape works beneath its canopy drip line altered accordingly to enable its retention. Plant species may need altering to ensure growth in the differing growing conditions. Existing levels and grades are to be maintained as much as possible beneath its canopy drip line.
- The proposed courtyard wall/fence on the eastern side of Unit 2 beneath the canopy drip line of tree #15 is to be designed to minimise adverse tree impacts to both the canopy and the root system. In this regard pier and beam footings may be required along with heights being altered to accommodate the tree canopy.
- The planting of three *Glochidion ferdinandii* (Cheese Tree) on the eastern side of Unit 3 are to be deleted
- Tree #20 is to be shown to be retained and the landscape works beneath its canopy drip line altered accordingly to enable its retention. Plant species may need altering to ensure growth in the differing growing conditions.
- The pedestrian access path adjacent to the eastern site boundary is to be redesigned and relocated to accommodate the retention of existing tree #'s 15, 19 & 20 and to minimise adverse tree impacts to other existing trees being retained.
- The proposed shrub/screen planting along the southern/Munderah St site boundary is to be substantially increased. Planting areas are to be doubled in width and a layered planting scheme including small trees, large, medium and small shrubs are to be incorporated. Plant species are to reflect the broader landscape character within Munderah St.
- The proposed timber paling fence on top of the existing brick wall along the eastern site boundary is to be deleted within the front setback and is to have a cumulative maximum height of 1.8m above existing ground level.
- The proposed planting of one *Lagerstroemia indica* (Crepe Myrtle) on the northern side of Unit 3 within the private courtyard is to be relocated to the northern side of the courtyard where it can have adequate area to grow to maturity.
- The two unidentified trees located adjacent to the eastern site boundary, north of tree #20 are to be identified and numbered on plan.
- The location for the transplanted tree #23 Blue Spruce, is to be shown on plan.
- The proposed plantings of *Angophora costata* (Sydney Redgum) surrounding the northern communal open space area are to be relocated so that they have a minimum setback of 5.0m from any structure, to ensure that they have adequate area to grow and to ensure that they will be protected by Council's Tree Preservation Order.
- The private courtyards to Units 1, 2, 3, 4, 6, 7, 8, and 9 are to have informal access paths from communal areas for external access for maintenance

equipment eg lawn mowers. The proposed gates and paths are to be shown on plan and proposed planting altered accordingly.

- The proposed planting of two *Pyrus ussuriensis* (Manchurian Pear) on each side of the pedestrian entry to Units 8 & 9, are to be relocated so that they have a greater setback than 3.0m from the proposed units.
- The proposed 1.0m high retaining wall to the north of Unit 9 is to be relocated so that it has a minimum 3.0m setback from the northern site boundary beneath the canopy drip line of the tree located on the adjoining property to the rear.
- The proposed planting of two *Fraxinus griffithii* (Evergreen Ash) to the north of Units 8 & 9 are to be planted on the high side of the proposed retaining wall, where they have adequate area to mature and can be protected by Council's Tree Preservation Order.
- The proposed planting of one *Lagerstroemia indica* (Crepe Myrtle) to the north east of Unit 6 within the private courtyard is to be relocated so that it has a minimum setback of 4.0m from the wall of the unit.
- The private courtyard of Unit 7 is to accommodate an additional tall canopy tree able to attain a minimum height of 13.0m. The proposed planting is to be located appropriately so that it has adequate area to establish and mature.
- The proposed planting of two *Waterhousia* spp adjacent to the eastern site boundary adjacent to tree #19 is to be deleted.

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

The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.

52. 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.

53. A CASH BOND/BANK GUARANTEE of \$16 000.00 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
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	\$1 000.00
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	\$3 000.00
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	\$1 000.00
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	\$1 000.00
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	\$2 000.00
#11 <i>Yucca brevifolia</i> (Joshua Tree) Adjacent to eastern site boundary	\$1 000.00
#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	\$2 000.00
#18 <i>Syzigium leuhmanii</i> (Lillypilly) Adjacent to eastern site boundary	\$1 000.00
#19 <i>Cupressocyparis spp.</i> (Cypress) Adjacent to eastern site boundary	\$1 000.00
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	\$2 000.00
#34 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to western site boundary	\$1 000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

54. Prior to the commencement of bulk excavation, a geotechnical investigation comprising three or more cored boreholes drilled to at least 1 metre below basement level is to be carried out. The report of this investigation is to be submitted to the Principal Certifying Authority, or Council if no PCA has been appointed. Recommendations for excavation methods and support, vibration monitoring, frequency of geotechnical inspections and groundwater management are to be included in the report. The report is to address the need for dilapidation reporting of adjacent structures.

55. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the desktop review by Douglas Partners and the report submitted in accordance with another condition of this consent. 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.
56. 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.
57. 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.

58. 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 the UPA building adjacent to the northern boundary, the residence at 3 Munderah Street and any other structures identified in the geotechnical report.

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.

59. 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:

- **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**
- 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.

For traffic and pedestrian amenity no truck movements shall occur in Munderah Street during school drop off (8.00 to 9.30am) and pick up (2.30 to 4.00pm) hours.

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 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.
60. 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.
61. 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:
- Full road pavement width, including kerb and gutter, of Munderah Street over the site frontage.

- All driveway crossings and laybacks opposite the subject site.
- The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both 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.

62. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
63. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
64. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
65. To preserve and enhance the natural environment, earthworks shall not commence until a perimeter drainage structure (i.e. diversion bank/catch drain) designed and located to prevent contaminated diffuse runoff from construction and disturbed areas from leaving the site untreated and runoff from entering the site from upslope areas, is established. Such a drain or bank shall be wholly situated on the building site and designed to safely and adequately collect and convey all diffuse runoff from the site to an appropriately designed and located sediment control structure on-site.
66. 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>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany)	3.0m

Adjacent to south east site corner	
#8 <i>Syragus romanzoffianum</i> (Coccos Palm)	3.0m
Adjacent to eastern site boundary in front setback	
#9 <i>Podocarpus elatus</i> (Brown Pine)	7.0m
Adjacent to eastern site boundary	
#11 <i>Yucca brevifolia</i> (Joshua Tree)	3.0m
Adjacent to eastern site boundary	
#15 <i>Cedrus atlantica</i> (Atlantic Cedar)	3.5m
Adjacent to eastern site boundary	
#18 <i>Syzigium leuhmanii</i> (Lillypilly)	2.5m
Adjacent to eastern site boundary	
#19 <i>Cupressocyparis spp.</i> (Cypress)	3.0m
Adjacent to eastern site boundary	
#20 <i>Cupressus spp.</i> (Cypress)	2.0m on south west side
Adjacent to eastern site boundary	6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Irn Bark)	10.0m
Adjacent to eastern site boundary in neighbouring property	
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	3.0m
Centrally located on site	
#29 <i>Grevillea robusta</i> (Silky Oak)	3.0m
Straddling western site boundary	
#30 <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to western site boundary	
#31 <i>Castanospermum australe</i> (Blackbean)	2.5m
Adjacent to western site boundary	
#33 <i>Syragus romanzoffianum</i> (Coccos Palm)	2.5m
Adjacent to western site boundary	
#34 <i>Taxodium distichum</i> (Swamp Mahogany)	4.0m
Adjacent to western site boundary	
<i>Unidentified tree species</i>	7.0m
Adjacent to north east site corner in adjoining property at rear	
<i>Unidentified tree species</i>	2.0m
Adjacent to eastern site boundary to the north of tree #20	
<i>Unidentified tree species</i>	2.0m
Adjacent to the eastern site boundary to the north of tree #20	
<i>Eucalyptus saligna</i> (Bluegum)	8.0m
Adjacent to south-west site corner in neighbouring property	

67. 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.
68. 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.
69. 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.
70. To preserve existing 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 installed if vehicular access is proposed at any time:

Tree/Location

#1 *Livistona australis* (Cabbage Tree Palm)

Centrally located in front setback

#3 *Cedrus deodar* (Himalayan Cedar)

Centrally located in front setback

#4 *Livistona australis* (Cabbage Tree Palm)

Adjacent to south east site corner

#6 *Taxodium distichum* (Swamp Mahogany)

Adjacent to south east site corner

#8 *Syragus romanzoffianum* (Cocco Palm)

Adjacent to eastern site boundary in front setback

#9 *Podocarpus elatus* (Brown Pine)

Adjacent to eastern site boundary

#11 *Yucca brevifolia* (Joshua Tree)

Adjacent to eastern site boundary

#15 *Cedrus atlantica* (Atlantic Cedar)

Adjacent to eastern site boundary

#18 *Syzigium leuhmanii* (Lillypilly)

- Adjacent to eastern site boundary
- #19 *Cupressocyparis spp.* (Cypress)
Adjacent to eastern site boundary
- #20 *Cupressus spp.* (Cypress)
Adjacent to eastern site boundary
- #21 *Eucalyptus sideroxylon* (Iron Bark)
Adjacent to eastern site boundary in neighbouring property
- #29 *Grevillea robusta* (Silky Oak)
Straddling western site boundary
- #30 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to western site boundary
- #31 *Castanospermum australe* (Blackbean)
Adjacent to western site boundary
- #33 *Syragus romanzoffianum* (Cocco Palm)
Adjacent to western site boundary
- #34 *Taxodium distichum* (Swamp Mahogany)
Adjacent to western site boundary
- Unidentified tree species*
Adjacent to north east site corner in adjoining property at rear
- Eucalyptus saligna* (Bluegum)
Adjacent to south west site corner in neighbouring property

71. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location	Radius From Trunk
#1 <i>Livistona australis</i> (Cabbage Tree Palm) Centrally located in front setback	3.0m
#3 <i>Cedrus deodar</i> (Himalayan Cedar) Centrally located in front setback	7.0m
#4 <i>Livistona australis</i> (Cabbage Tree Palm) Adjacent to south east site corner	3.0m
#6 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to south east site corner	3.0m
#8 <i>Syragus romanzoffianum</i> (Cocco Palm) Adjacent to eastern site boundary in front setback	3.0m
#9 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to eastern site boundary	7.0m
#11 <i>Yucca brevifolia</i> (Joshua Tree) Adjacent to eastern site boundary	3.0m

#15 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to eastern site boundary	3.5m
#18 <i>Syzigium leuhmanii</i> (Lillypilly) Adjacent to eastern site boundary	3.0m
#19 <i>Cupressocyparis spp.</i> (Cypress) Adjacent to eastern site boundary	5.0m
#20 <i>Cupressus spp.</i> (Cypress) Adjacent to eastern site boundary	3.0m on south west side 6.0m elsewhere
#21 <i>Eucalyptus sideroxylon</i> (Iron Bark) Adjacent to eastern site boundary in neighbouring property	10.0m
#24 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#25 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Centrally located on site	3.0m
#29 <i>Grevillea robusta</i> (Silky Oak) Straddling western site boundary	3.5m
#30 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#31 <i>Castanospermum australe</i> (Blackbean) Adjacent to western site boundary	5.0m
#33 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to western site boundary	2.5m
#34 <i>Taxodium distichum</i> (Swamp Mahogany) Adjacent to western site boundary	4.0m
<i>Unidentified tree species</i> Adjacent to north east site corner in adjoining property at rear	7.0m
<i>Unidentified tree species</i> Adjacent to eastern site boundary to the north of tree #20	3.5m
<i>Unidentified tree species</i> Adjacent to the eastern site boundary to the north of tree #20	3.0m
<i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site corner in neighbouring property	8.0m

72. 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 THE ISSUE OF A
SUBDIVISION CERTIFICATE

73. 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 on-site stormwater detention facilities. 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. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
74. 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 retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
75. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
76. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

77. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the

- plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
78. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
79. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
80. 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.
81. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

82. 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.
 - New concrete footpath for the frontage of the site.
 - 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.

83. 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.
84. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
85. 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 carpark 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 carpark, 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 carpark.
86. 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.
87. 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.
88. 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.
89. 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.
90. 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.
91. 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 and infrastructure originally assessed.
- 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.
92. The screen planting along eastern and western edges of the fourth storey balconies (**Condition No. 35**) shall be completed prior to release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.
93. 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.

94. 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.
95. 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

BUILDING CONDITIONS

96. 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.
97. 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.
98. **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.
99. To maintain existing ground levels all excavated material shall be removed from the site.
100. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
101. 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.
102. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

103. 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.
104. 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.
105. 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.

106. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
107. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
108. 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.
109. 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.
110. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

111. 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:
 1. 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.
112. 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.
113. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
114. 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.
115. 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.
116. 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.

CARRIED UNANIMOUSLY

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

17 **9 to 23 Bruce Avenue, Killara - Demolition of 7 Single Dwellings & Construction of 3x5 Storey Buildings Containing 59 Units, Associated Basement Car Parking & Strata Subdivision**

File: DA0983/05

Ward: Gordon

Applicant: Drew Dickson

Owners: Lai Fing Cheng & William Wai Nin So, 9 Bruce Avenue, Killara; Tak Ping Yeung & Sylvia Siu Yee Chow, 11 Bruce Avenue, Killara; Lun Yu Chung & Viola Chi Fong Lee, 15 Bruce Avenue, Killara; Cho Yau Chan, 17 Bruce Avenue, Killara; Brian Joseph Fagan & Eileen Celine Fagan, 19 Bruce Avenue, Killara; Maria Stergiotis, 21 Bruce Avenue, Killara; Stanley Sheung Chi Chen & Lister Po Wah Chen, 23 Bruce Avenue, Killara

The following members of the public addressed Council:

J McFadden

P Zervos

To determine development application No 983/05 which seeks consent for the demolition of 7 single dwellings and the construction of 3 x 5 storey residential flat buildings containing 59 units and associated basement car parking.

Resolved:

(Moved: Councillors Ryan/Lane)

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 983/05 for the demolition of 7 single dwellings and construction of 3 x 5 storey buildings containing 59 units, associated basement car parking and strata subdivision on land at 9-23 Bruce Avenue Killara for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

SCHEDULE A

1. Prior to the consent being operative, the Applicant shall obtain a resolution from Kuring-gai Council that it will consent to the relocation of the existing Council easement(s) for drainage and underground pipe. Council's Technical Services Department will be responsible for preparing the necessary report to Council regarding the relocation of the easement burdening the site, subject to payment of the adopted fee for the preparation of such reports.

A full hydraulic design for the relocation of the pipe is to be prepared in accordance with the requirements of Chapter 9 of Council's DCP 47 *Water Management* and submitted to Council with the application.

Details are to be included of the proposed overland flowpath around the western side of the building to demonstrate that the ground floor units will not be subject to inundation and flood levels will not be raised in the adjacent property. The location of the on site detention/ retention systems for the site is to be shown on the plans and they are to be beneath proposed hard surface areas to maintain deep soil planting area and minimise impacts on existing trees to be retained.

To ensure neighbouring amenity, the location of the pipe and easement is to be designed to retain the existing screen planting to 25 Bruce Avenue within the front setback if at all possible, in accordance with other conditions of this consent. Council's approval for the relocation of the pipe and easement is to be obtained prior to the operation of the consent. Such approval is not guaranteed.

SCHEDULE B

GENERAL

1. The development must be carried out in accordance with plans numbered 703 D/A02D, D/B01C-17C, D/B18B, D/B19C, D/B20B, D/B 21-22C, D/C01C - D/C08C, D/D01C, D/D02C dated 2 December and 13 December 2005, drawn by Drew Dickson Architects and lodged with Council 5 December & 13 December 2005, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
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 health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.

7. To ensure compliance with the relevant standards, an effective and approved 1.2 metre safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
8. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
9. For safety purposes, depth markers shall be provided at both ends of the pool.
10. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
11. All filtration equipment shall be located a minimum of 2.5 metres from any bedroom. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
12. A balustrade shall be provided where the pool concourse stands more than 1.0 metre above the finished ground level.
13. To ensure structural stability wherever the soil conditions so require, a retaining wall or other approved method of preventing the movement of soil shall be provided and adequate provision shall be made for drainage.
14. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
15. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
16. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without

notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

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

24. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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.

25. 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.

26. 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.
27. 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 Subdivision Certificate.
28. 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.

29. 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.
30. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
31. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
32. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
33. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
34. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
35. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
36. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;

- ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
37. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
38. 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.
39. 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.
40. 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.
41. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
42. Fire hoses are to be maintained on site during the course of demolition.
43. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
44. 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.
45. 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.
46. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
47. 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.
48. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 49. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
 50. 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.
 51. 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.
 52. 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.
 53. 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.
 54. 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.
 55. 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.
 56. All footings shall be entirely constructed within the boundaries of the property.
 57. To conserve water, the following shall be installed in the new bathroom and toilet:

- a. maximum 6/3 litre dual flush cisterns;
 - b. shower heads with reduced water flow devices.
58. To protect the character of the street, the proposal is to be consistent with the colour and material schedule lodged with Council on 6 September 2005.

Engineering conditions

59. Staging of trunk drainage diversion works must take place in the following sequence:
1. Ku-ring-gai Council approves through resolution the relocation of the Council drainage easement through the site (in accordance with schedule A condition).
 2. Plans for the relocation of the pipeline are approved (under Schedule A) and stamped by Council Technical Services Department prior to commencement of **any** works within site (except demolition) and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.
 3. The new pipeline is installed by the Applicant in accordance with the approved drawings and any conditions required by Council and in conjunction with basement excavation works. A flowpath through the site is maintained during pipelaying works.
 4. The redundant Council drainage line is decommissioned and the new drainage line made operative.
60. Stormwater runoff from all hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped and connected to the Council drainage system within the site or the street drainage system in Bruce Avenue. Drainage line connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") which is provided in Councils Water Management DCP 47 (available on the Council website).
61. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
62. 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.

63. 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.
64. 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.
65. 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.
66. 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.
67. 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 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.
68. 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.

69. 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.
70. 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".
71. 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 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.
72. 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.
73. 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.
74. 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 and subsequent reports. 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,
 - Vibration monitoring during the initial stages of rock excavation using rock hammers;
 - Groundwater monitoring to assess groundwater levels during and after construction and determine ways to ameliorate effects of development,
 - Review and endorse the design for excavation support,
 - 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.

Landscaping conditions

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

Tree/ Location

Angophora costata (Sydney Redgum)

Centrally located adjacent to Greengate Lane site boundary

#49 *Unidentified* tree

Centrally located adjacent to southern boundary

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

Tree/location

All existing trees to be retained on site

Time of inspection

Prior to demolition

After completion of demolition

Prior to excavation

After completion of excavation works

Prior to construction

At monthly intervals during construction

At the completion of all work on site

78. REMOVAL of the existing tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.
79. 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
80. 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

#22 *Araucaria hetrophylla* (N.I. Pine)
Bruce Ave nature strip

Radius From Trunk

9.0m

#23 *Eucalyptus spp.* (Eucalypt)
Bruce Ave nature strip

5.0m

#27 *Liquidambar styraciflua* (Sweet Gum)

4.0m

Adjacent to western site boundary in neighbouring property	
#40 <i>Sapium sebiferum</i> (Chinese Tallow)	3.0m
Adjacent to eastern site boundary in neighbouring property	
#42 <i>Liriodendron tulipifera</i> (Tulip Tree)	4.0m
Adjacent to southern site boundary	
#43 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#44 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#45 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#46 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#49 <i>Unidentified tree</i>	4.0m
Centrally located adjacent to southern boundary	
#57 <i>Angophora costata</i> (Sydney Redgum)	7.5m
Adjacent to southern site boundary	
#65 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern site boundary	
#66 <i>Jacaranda mimosifolia</i> (Jacaranda)	7.0m
Adjacent to southern site boundary	
#67 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to western site boundary	
#68 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple)	3.0m
Adjacent to northern site boundary	
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia)	4.0m
Adjacent to northern site boundary	
#71 <i>Cupressus spp.</i> (Cypress)	3.0m
Adjacent to northern site boundary	
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.5m
Adjacent to northern site boundary	

81. 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
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip	9.0m
#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	5.0m

#27 <i>Liquidambar styraciflua</i> (Sweet Gum)	4.0m
Adjacent to western site boundary in neighbouring property	
#40 <i>Sapium sebiferum</i> (Chinese Tallow)	3.0m
Adjacent to eastern site boundary in neighbouring property	
#42 <i>Liriodendron tulipifera</i> (Tulip Tree)	4.0m
Adjacent to southern site boundary	
#43 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#44 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Adjacent to southern site boundary	
#45 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Adjacent to southern site boundary	
#46 <i>Jacaranda mimosifolia</i> (Jacaranda)	2.0m
Adjacent to southern site boundary	
#49 <i>Unidentified tree</i>	4.0m
Centrally located adjacent to southern boundary	
#57 <i>Angophora costata</i> (Sydney Redgum)	7.5m
Adjacent to southern site boundary	
#65 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern site boundary	
#66 <i>Jacaranda mimosifolia</i> (Jacaranda)	7.0m
Adjacent to southern site boundary	
#67 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to western site boundary	
#68 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple)	3.0m
Adjacent to northern site boundary	
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia)	4.0m
Adjacent to northern site boundary	
#71 <i>Cupressus spp.</i> (Cypress)	3.0m
Adjacent to northern site boundary	
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.5m
Adjacent to northern site boundary	

82. 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
#22 <i>Araucaria hetrophylla</i> (N.I. Pine)	9.0m

Bruce Ave nature strip	
#23 <i>Eucalyptus spp.</i> (Eucalypt)	5.0m
Bruce Ave nature strip	
#27 <i>Liquidambar styraciflua</i> (Sweet Gum)	4.0m
Adjacent to western site boundary in neighbouring property	
#42 <i>Liriodendron tulipifera</i> (Tulip Tree)	4.0m
Adjacent to southern site boundary	
#43 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#57 <i>Angophora costata</i> (Sydney Redgum)	7.5m
Adjacent to southern site boundary	
#65 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern site boundary	
#66 <i>Jacaranda mimosifolia</i> (Jacaranda)	7.0m
Adjacent to southern site boundary	

83. 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.
84. Following removal of the *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
85. 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.
86. The 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.
87. To maximise landscape and neighbour amenity, the existing screening shrub planting located adjacent to the eastern side site boundary adjoining #25 Bruce Ave within the front setback is to be retained if possible, given the proposed drainage works. If the existing planting is to be removed, proposed tree and shrub planting is to have a minimum height of 2.5m at the time of planting.
88. To maximise landscape amenity the proposed 1.8m lap and capped paling fence in front of the building setback to Bruce Ave is to be deleted.

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

89. 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.

90. 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.
91. The development is to comply with the AS4299/1428 as outlined in the Access Report by Mark Relf dated 16 August 2005 and including access to the pool and barbecue area. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.
92. The entry drive is to be offset to preserve the Norfolk Island Pine, as shown on the sketch "Alternative Driveway Location" by Drew Dickson Architects dated 13 December 2005. The vehicular crossing is to have a minimum width of 5.5 metres. To adequately retain the tree with minimal impacts, it is required that the proposed driveway be relocated with a minimum setback of 5.0m as measured from the outside of the trunk. It is preferred that a greater setback be provided if possible. To minimise the excavation and the severance of tree roots, the crossover 'slab' is to be constructed at, or on top of existing grade. The amended details are to be shown on the Construction Certificate drawings and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
93. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths is illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
94. The development is to comply with the minimum insulation and glazing requirements specified in the NatHERS Assessment by Natural Integrated Living, dated August 2005 and lodged with Council on 6 September 2005. Details are to be

provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

95. To minimise privacy impacts and improve security, a privacy screen to 1.6 metres above terrace level is to be constructed to divide the planters between Units 20 and 21 of Building A and Units 58 and 59 in Building C. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
96. To avoid adverse aural and visual privacy impacts, the windows to the voids in Apartments 1, 4, 5, 8, 10, 13, 15, 18, 39, 42, 43, 46, 48, 51, 53, 56, 58 and 59 are to be non-openable and of glass brick construction. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
97. To ensure adequate ventilation and access to daylight, the wall and door between the study and the dining room are to be deleted in Apartments 5, 8, 10, 13, 15, 18, 47, 52, and 57 so that the area becomes a study nook of the dining room. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
98. To ensure resident amenity, the studies in Apartments 9, 14 and 19 are to be deleted. The kitchen is to be extended and/or re-positioned a distance of one metre towards the lift lobby and the lift lobby is to be widened. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
99. For improved security to the common open spaces along the eastern and western boundaries, security gates are to be provided between the courtyard walls of Units 1 and 42 and the side boundaries. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

Heritage conditions

100. A report is to be submitted to, and endorsed by, Council's Heritage Advisor satisfaction 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 consultants who have 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.
- Photographs of specific details nominated by Council
- 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 & 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.

Engineering conditions

101. 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.
102. The Applicant must carry out the following infrastructure works in the Public Road:
 - Construct new concrete footpath for the Bruce Avenue frontage of the development.
 - Construct 5.5 metre width road pavement and 1 metre width footpath in Greengate Lane for the full frontage of the development, including new upright kerb and gutter.

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.

103. 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 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.

104. 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.

105. 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).
- Water quality measures as required by DCP 47 Chapter 8.

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 Drawings 205014 by Demlakian submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

106. 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.

107 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.

Landscaping conditions

108. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#49 <i>Unidentified</i> tree Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	7.5m
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cupressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	3.5m

109. To preserve the following tree/s, footings of the proposed 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
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m

Adjacent to southern site boundary	
# 49 <i>Unidentified tree</i>	4.0m
Centrally located adjacent to southern boundary	
#57 <i>Angophora costata</i> (Sydney Redgum)	7.5m
Adjacent to southern site boundary	
#65 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern site boundary	
#66 <i>Jacaranda mimosifolia</i> (Jacaranda)	7.0m
Adjacent to southern site boundary	
#68 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	

110. To preserve the following tree/s, footings of the proposed retaining wall 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
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple)	4.0m
Adjacent to northern site boundary	
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia)	5.0m
Adjacent to northern site boundary	
#71 <i>Cupressus spp.</i> (Cypress)	4.0m
Adjacent to northern site boundary	
#72 <i>Magnolia soulangeana</i> (Soul's Magnolia)	4.5m
Adjacent to northern site boundary	

111. The submitted landscape plan LDA401 Rev B, LDA402 Rev A, LDA501 Rev A, LDA502 Rev A prepared by Site Image and dated 23/09/05 & 17/08/05 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The proposed planting of BAK - *Bambusa Alphonse Karr*, is to be deleted and replaced with a shrub species capable of attaining a minimum height of 2.0m, and a maximum height of 4.0m.

- The proposed planting of 270 *Lomandra longifolia* adjacent to the south west site corner/Greengate Lane frontage is to be deleted and replaced with screening shrubs able to attain a minimum height of 2.0m.
- The proposed planting of ten *Corymbia maculata* (Spotted Gum) adjacent to the western site boundary is to be reduced to a maximum of five tall trees with a minimum spacing of 6.0m. Proposed tree species are to include endemic species such as *Angophora costata* (Sydney Redgum), *Angophora floribunda* (Rough Barked Apple), and *Eucalyptus paniculata* (Grey Ironbark). The planting of *Corymbia maculata* (Spotted Gum) is not approved.
- The proposed tree planting within the Bruce Ave street frontage is to include a minimum 40% of tree species that are exotic deciduous tree species that are reflective of the broader Killara landscape character. Species are to include; *Nyssa sylvatica* (Tupelo), *Pyrus spp* (Ornamental Pear), *Ginkgo biloba* (Maidenhair tree), *Liriodendron tulipifera* (Tulip Tree), *Michelia champaca* (Golden Champaca), and *Quercus palustris* (Pin Oak).

112. 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.

113. A CASH BOND/BANK GUARANTEE of \$12,000.00 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
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip	\$3 000.00
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	\$2 000.00

#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	\$5 000.00
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	\$1 000.00
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	\$1 000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

114. 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.
115. 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.
116. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practicing structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
117. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. A Registered Surveyor's set out report.
118. 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 52 ADDITIONAL DWELLINGS IS CURRENTLY \$1,139,737.34. 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 - Killara	\$6,384.75
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

119. Prior to the commencement of **any excavation works** on site the Applicant must carry out further environmental inspection and investigation as recommended in the report by EIS (ref. E19649RPT, dated August 2005), including assessment of the extent of contamination near BH101 and sampling at building locations. The site is to be remediated as recommended by the consultant and then validated by further sampling. All monitoring and validation reports are to be in accordance with relevant guidelines and Council's Contaminated Land Policy. All relevant reports shall be given to Council for its records.

Engineering conditions

120. 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 the residences at 25 Bruce Avenue and 24 Greengate Lane. 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. If a residence has been demolished under a separate approval, no dilapidation report is required.

121. 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:

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

- 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.
- Traffic controllers are to be stationed at the intersection(s) of Bruce Avenue and Greengate Lane and at the bend when construction vehicles are approaching the site from Greengate Lane.
- Consideration should be given to using an existing driveway off Bruce avenue for some site access.
- 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:

- 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.
- Employee parking is to be provided in the basement as soon as practicable and a timeframe is to be given 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 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.

122. 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.
123. 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:
- Full road pavement width, including kerb and gutter, of Bruce Avenue over the site frontage.

- All driveway crossings and laybacks opposite the subject site, including rear accesses and fences to Greengate Road properties.

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 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.

124. 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.

Landscaping conditions

125. 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
#22 <i>Araucaria hetrophylla</i> (N.I. Pine) Bruce Ave nature strip (pedestrian access to be maintained at all times)	9.0m
#23 <i>Eucalyptus spp.</i> (Eucalypt) Bruce Ave nature strip	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Sapium sebiferum</i> (Chinese Tallow) Adjacent to eastern site boundary in neighbouring property	3.0m
#42 <i>Liriodendron tulipifera</i> (Tulip Tree) Adjacent to southern site boundary	4.0m
#43 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
# 49 <i>Unidentified tree</i> Centrally located adjacent to southern boundary	4.0m
#57 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	6.0m
#65 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	6.0m
#66 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	7.0m
#67 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to western site boundary	3.0m
#68 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#68a <i>Acer palmatum 'Dissectum'</i> (Weeping Maple) Adjacent to northern site boundary	3.0m
#69 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to northern site boundary	4.0m
#71 <i>Cuppressus spp.</i> (Cypress) Adjacent to northern site boundary	3.0m

#72 *Magnolia soulangeana* (Soul's Magnolia) 3.5m
Adjacent to northern site boundary

126. 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.
127. 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.
128. 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.
129. 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 THE ISSUE OF A SUBDIVISION CERTIFICATE

130. The final plans of subdivision are to be consistent with the approved architectural plans. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
131. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B 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.

132. The applicant must 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council.
133. 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.
134. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

135. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
136. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by

the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

137. 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.

138. 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.

139. Notices and reports on the remediation work, in accordance with Clauses 17 and 18 of State Environmental Planning Policy No. 55 and Council's Contaminated Land Policy, must be submitted to Council within 30 days after the completion of the work and prior to occupation. These documents must demonstrate that the site has been remediated to a standard suitable for residential land use.

Engineering conditions

140. The relocation of the Council stormwater pipeline is to be completed in accordance with the approved plans and any conditions imposed by Council. Works-as-executed drawings are to be prepared by a registered surveyor and the designing engineer is to certify that the works have been carried out in accordance with the design. Council's approval of the works is to be obtained and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

141. Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A registered surveyor is to certify that the pipe is wholly contained within the easement.

142. 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 footpath along the Bruce Avenue frontage of the site.
- New road pavement, footpath and kerb and gutter in Greengate Lane in accordance with the plans approved by Council under the Roads Act.
- 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. 1 (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.

143. 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.

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

145. 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:
 - a) Australian Standard 2890.1 - “Off-street car parking”,
 - b) 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.
146. 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 BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - That retained water is connected and available for uses including toilet flushing, laundry and garden 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.
147. 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.

148. 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.
149. 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.
150. 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 Davies Geotechnical 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.

151. 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 residences at 25 Bruce Avenue and 24 Greengate Lane.

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 a residence has been demolished under a separate approval, no follow-up report is required.

Landscaping conditions

152. 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.
153. 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.

CARRIED UNANIMOUSLY

18 **25A, 27 & 29 Lorne Avenue, Killara**

File: DA0425/05

Ward: Gordon

The following members of the public addressed Council:

**B Mitchell
D Martin**

**Councillor Hall withdrew
during addresses**

**B Coleman
A Coleman
R Hooper**

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

Resolved:

(Moved: Councillors Ryan/Lane)

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 the Perimeter Ceiling Height Control (cl. 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 SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied.

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 425/05 is consistent with the aims of the Policy, grant development consent to DA 425/05 for the demolition of existing structures and construction of 5 residential flat buildings comprising 40 dwellings including, basement parking, landscaping, stormwater reticulation and strata subdivision on land at 25a, 27 and 29 Lorne Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

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:

Architectural Plans

Dwg. No.	Rev	Description	Author	Dated	Lodged
DA-04039-01	2	Site & Roof Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-02	2	Basement 1 & 2 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-03	3	Level 1 & 2 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-04	2	Level 3, 4 & 5 Plan	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005
DA-04039-05	2	Elevations	Alexander Tzannes Assoc	30 Oct 2005	21 Nov 2005
DA-04039-06	2	Sections	Alexander Tzannes Assoc	30 Sept 2005	21 Nov 2005

Except where amended by Figure 1 showing revised driveway location within the right-of way.

Subdivision Plans

041014/DSP	Strata subdivision of Lot B in DP 339075 and Lots 1&2 in DP 547371	Denny Linker & Co (Patrick John Walsh)	Sheets 1-9	6 Dec 2005
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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 an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. 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.
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. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
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. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. 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.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. 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.
35. 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.
36. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
37. 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.

38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
39. "Peep holes" shall be provided to the entrance doors of all units for personal security.
40. Compliance with the notations overdrawn on the consent plans.

Engineering

41. Stormwater runoff from roof areas shall be piped to the street drainage system via the approved site water management facilities. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
42. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for each building. The (minimum) total storage volumes of the rainwater tank systems are to be as required by Council's DCP 47 Water Management. The prescribed re-use of the water on site, must be toilet flushing (each unit), preferably cold laundry (each unit) and garden irrigation, as 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 each building to control the rate of runoff leaving the development site. The minimum volumes of the required on-site detention systems 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 grates are to be provided to collect driveway runoff. The channel drains 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. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the exercise and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s) other than to the extent to which the easements or rights-of-carriageway are suspended as provided by clause 68 of the Ku-ring-Gai Planning Scheme Ordinance. It is the applicant's full responsibility to ensure that it is aware of any such rights-at-law and that those aspects of the development to be carried out on that part of the development site subject to the right-of-carriageway are carried out in accordance with this development consent. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and

- breaking up of structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
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 the 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 Certificates** under the *Sydney Water Act 1994*, which relates to the proposed RFB and the Strata Subdivision approved under this DA. 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 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 lockable or remote control doors, grilles, gates or other devices are to be provided in the access driveways to the basement carparks preventing this service. Contractors will not accept keys or remote controls.
54. 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 Geotechnical and Hydrogeological Report prepared by Douglas Partners (37952 dated April 2005), and all subsequent geotechnical investigation reports 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.
- 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 conducted geotechnical inspection, testing and monitoring programs.

Heritage

56. Demolition of a non-heritage item or not in a UCA - Nos 25a, 27 and 29 Lorne Avenue, Killara.

A report is to be submitted and approved to the heritage officer's satisfaction 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 recognized consultants or other suitably qualified consultants who have 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 (survey or sketch) showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black & White archival quality photography, 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.

Landscaping

58. 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 nominated to be retained Prior to demolition

After completion of demolition

Prior to excavation

After completion of demolition

Prior to construction works

Monthly intervals during construction works

After completion of all works on site

59. 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

Eucalyptus nicholii (Narrow leaf peppermint)

Lorne Ave nature strip

60. 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.
61. 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
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	5.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	6.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio)	5.0m

Lorne Ave nature strip
 #28 *Pistacia chinensis* (Chinese Pistacio) 3.0m
 Lorne Ave nature strip

62. 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
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	5.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	6.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m

63. 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.

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

Tree Species Quantity

Pistacia chinensis (Chinese Pistacio) 4

65. Following removal of the *Eucalyptus nicholii* (Narrow leaf peppermint) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
66. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Cupressocyparis x leylandii 'Leighton's Green' (Leighton Green Cypress)

67. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

70. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
71. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
72. 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 THIRTY-SEVEN (37) ADDITIONAL DWELLINGS IS CURRENTLY \$772,138.79. The amount of the

payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works	\$6,384.75
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

Engineering

73. Prior to issue of any 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. Note that Ku-ring-gai Council does **not** necessarily need to approve or endorse lot *consolidation* plans.
74. Prior to issue of the Construction Certificate for the related building, driveway and associated footpath levels for the new driveway crossing 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.

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

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

76. The waste collection area is to be relocated to the street side of the roller door, possibly in visitor space 1. The area is to be designed to accommodate the requisite number of bins in accordance with DCP 40. Amended plans are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
77. Prior to issue of the Construction Certificate for the related building 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.
- d) Traffic lights will be provided at each end of the one way entry ramp as recommended by Colston Budd Hunt & Kafes in their report dated April 2005.

The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.

- 78. Prior to issue of any 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.
- 79. Prior to issue of the Construction Certificate for the related building the Applicant must submit, for approval by the Principal Certifying Authority, scaled 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 locations and reduced level of discharge point(s) 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 to carry for the 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. Measures to prevent mosquito breeding and other issues.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush 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 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Stormwater Management Plans by Harris Page Associates dated 5 October 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

80. Prior to issue of any 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.
81. Prior to issue of any 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.

Landscape

82. The submitted landscape plan LP01 (Landscape Plan) Rev M & PP&WS (planting plan and water strategy) 02 Rev D prepared by McGregor Partners and dated September 2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in general accordance with the above landscape plan/s. The following amendments to these plants shall apply:
 - The proposed planting of *Clivea miniata* on the Lorne Ave nature strip is to be deleted and the nature strip maintained as a grassed/turf area.
 - The proposed planting of 334 *Callistemon citrinus* (Bottlebrush) is to be reduced in number by approximately 50% so that planting has a minimum of 1.5m spacing.
 - The proposed planting of 234 *Callistemon citrinus* (Bottlebrush) is to be reduced in number by approximately 50% so that planting has a minimum of 1.5m spacing.
83. 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.

84. A cash bond/bank guarantee of \$13 500.00 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
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	\$1,000.00
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2,000.00
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2,000.00
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	\$2,000.00
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	\$1,000.00
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	\$3,000.00
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$1,000.00
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$1,000.00
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	\$ 500.00

Special

85. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their

operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

86. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
87. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
88. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
89. To ensure privacy and amenity to the adjoining properties at Nos 8 Wallaroo Close, 23 and 25 Lorne Avenue and residents the following amendments shall be made to both the eastern elevations:
 - Privacy screens measuring 1.8 metres high shall be affixed to the eastern elevation of the Level 5 terraces of units nos A-5 09 and D-5 40 as notated in red on approved Plan no. DA-04039-04 Rev. no. 2.
 - Privacy screens measuring 1.8 metres high shall be affixed to the eastern elevation of the Level 1 - 4 balconies of units nos D2 35, 37 and 39 as notated in red on approved Plans nos DA-04039-03 Rev. no. 3 and DA-04039-04 Rev. no. 2.
 - The sun shading louvres and aluminium louvres proposed for **all** fenestration on Levels 1 to 5 on the eastern elevation (referenced as “SL” and “ALV” on approved Plan no. DA-04039-05 Rev. 2 shall serve to ensure that privacy impacts are reduced (i.e. restricting overlooking to the east) and offer functional sun shading benefits to the affected units.
 - Terrace areas as noted in red on Level 5 shall be non-trafficable for general use and limited access shall only be allowed for maintenance purposes.

- To ensure the amenity of Nos 23 and 25 Lorne Avenue is maintained an acoustic fence shall be constructed along the entire common boundary with the development site. The fence shall be in accordance with the driveway alignment notated in red on approved plan DA-04039-03 Rev. 3. The fence shall be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 15 metres from the street boundary.
- The side bedroom and bathroom windows in the gaps between buildings A, B, C and D shall be designed as translucent partially opening hopper or casement windows, to avoid potential privacy problems while allowing natural ventilation.
- Screening shall be provided to the study and living/dining windows in apartments C1 - 19, C1 - 22 and C1 25/28, to provide the opportunity for the occupants of these apartments to screen potential views from the bedroom balconies in apartments C 3-21 etc.
- The depth of the terrace areas to the ground floor (Level 1) units fronting the Lorne Avenue frontage shall be reduced in width by 3 metres as notated in red on the approved Plan No. DA-04039-01. This will ensure adequate common deep soil planting area is maintained within the front setback area.
- To ensure privacy between the terrace areas of the units on Level 5 is maintained screens of 1.8 metres high shall be erected along the southern elevation of unit nos D-5 40 and C-5 31.

Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.

90. 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.
 - c. Wet area waterproofing details complying with the Building Code of Australia.
 - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
 - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

91. 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.

Landscaping

92. 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
#10 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern (rear) site boundary	3.0m
#18 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#19 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#20 <i>Casuarina cunninghamiana</i> (River Sheoak) Adjacent to western (side) site boundary	4.0m
#21 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western (side) site boundary	4.0m
#24 <i>Ficus benjamina</i> (Weeping Fig) Adjacent to western (side) site boundary in neighbouring property	5.0m
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	5.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	1.0m

93. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the pedestrian pathway 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
#26 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m
#27 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	3.0m
#28 <i>Pistacia chinensis</i> (Chinese Pistacio) Lorne Ave nature strip	2.5m

94. 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.

95. 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.
96. 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.
97. 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.

Engineering

98. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the geotechnical investigation comprising cored boreholes. The recommendations of the report in relation to vibration monitoring and excavation methods and support are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved.
99. 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 (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by an independent consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, offset from boundaries and the founding material. It is expected that structures at 23, 25 and 31 Lorne Avenue and 8 Wallaroo Close will require survey. The dilapidation report must be verified by all relevant stakeholders. 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. Where the consulting structural/geotechnical engineer is of the opinion that no dilapidation reports are required, then certification to this effect must be provided in lieu.

100. 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 and footpaths;
- No construction vehicle access is to be obtained via the eastern driveway.
- 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 – to be verified on the plan). 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:

- 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 are to comply with the approved requirements.
- For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the current on-street parking amenity in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic engineering 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 Engineers. Allow sufficient time (3 weeks) for review by Council.

- 100a. During the construction period, a secure fence shall be erected separating the right-of-way from the construction site, during construction the right of way is not to be used for the purposes of access to the site. At the completion of the construction phase and in conjunction with landscaping of the site, the driveway within the right of way shall be modified in accordance with Figure 1 of the plan set.
101. 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.
102. 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 colour photographic record) of the following public infrastructure:
- a) Lorne Avenue road reserve including kerb and gutters.

The report must be completed by a consulting civil engineer or equivalent. 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 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.

103. 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:

- 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.

104. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

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

105. The subdivision certificate must not be issued until a *final* Occupation Certificate is issued for the development by the Principal Certifying Authority. This condition is imposed to ensure that all development works related to the subdivision are completed to an acceptable standard prior to transfer of responsibility for the site and development.
106. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.
107. Prior issue of the subdivision 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 site. The terms of the instruments are to be generally in accordance with the Council's "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. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
108. 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 retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument 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. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision.
109. An easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.
110. For endorsement of the subdivision certificate the Applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
111. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway

are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

112. For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:

- a) The endorsement fee current at the time of lodgment.
- b) The 88B Instrument plus six (6) copies.
- c) A copy of the final Occupation Certificate for this DA.
- d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

All parking spaces and all areas of common property, including visitor car parking spaces and on-site retention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the consent authority, officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all of the above must be provided to Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

113. 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.

Engineering

114. 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.
- Completion of drainage works in road reserve.
- 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 repair of any footpath 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.

115. 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.

116. Prior to issue of the 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 carpark complies with the approved Construction Certificate plans,
- b) That traffic lights are provided at each end of the one way entry ramp as recommended by Colston Budd Hunt & Kafes in their report dated April 2005.
- c) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking".
- d) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- e) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- f) 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.
117. 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) for the approval of 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 Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
 - c) That retained water is connected and available for uses including all toilet flushing, cold laundry 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 pits 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.
118. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
119. 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.

120. Prior to issue of the Occupation Certificate, a maintenance regime shall be prepared for the basement/subsoil 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.
121. 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, inspection, monitoring and construction for the basement levels have been carried out:
 - a) According the relevant Australian Standards and guidelines, and
 - b) According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
 - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
122. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the Geotechnical Report by Douglas Partners, and the professional geotechnical input over the course of the

works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.

123. 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, which may include:
- a. Lorne Avenue road reserve;
 - b. 23, 25 and 31 Lorne Avenue;
 - c. 8 Wallaroo Close.

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 a structure has been demolished in the meantime under a separate approval, then no follow-up survey is required.

Landscaping

124. 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.
125. 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

Special

126. The acoustic report provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with these recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

BUILDING CONDITIONS

127. 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.
128. 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.

129. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

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

130. 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.

131. 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 Storm-water Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the residential flat buildings 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.
 - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

For the Resolution: Councillors Andrew, Bennett, Ebbeck, Lane, Ryan & Shelley

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

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

(Moved: The Mayor, Councillor Malicki/Councillor Cross)

That the application be deferred for amended plans which allow for unrestricted access to the right-of-way but retain the 50% deep soil planting.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

19 Turrumurra Town Centre Preferred Land Use Options

File: S04038

The following members of the public addressed Council:

**G Kemp
E Sanhueza
P Roach**

Councillor Hall returned during addresses

**M Thomas
A Parr
V Harris
S Wesley
D Newbrun**

Notice of Rescission from Councillors N Ebbeck, A Andrew, T Hall, A Ryan & M Lane dated 27 January 2006.

We move:

That Parts A, L & P of Council's resolution for Turrumurra Town Centre (6 December 2005) be rescinded (*vide Minute No 522*).

We further move:

"A. That Turrumurra will be a local centre with a total of approximately 21,500sqm NFA of retail, including shop front commercial.

- Two main retail centres, one on the south of Pacific Highway and the other on the eastern side around the Gilroy Lane and Turrumurra Avenue area; small retail and shop front commercial in the Ray Street precinct.

- Community facilities are located around the Ray Street precinct to create a community hub.
 - Two expanded supermarkets with a combined total of 4,500sqm.
 - Future consideration given by Council of a leisure centre.
 - Strip shops are retained fronting onto Pacific Highway with commercial and retail uses.
 - New cafes, restaurants and specialist shops at the rear of the centre facing north onto new public spaces.
 - Total of 5000sqm NFA commercial (located on the upper floors rather than ground floor) to cater for small local businesses, professional services, medical service and the like.
 - Residential shop top housing in all retail areas.
- L. That a best case traffic plan be prepared for the option as adopted, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.
- That creation of new roads generally as indicated on the map in attachment H be further considered by Council prior to inclusion in the Draft LEP and Draft DCP.
- P. That the Aquatic Study come to Council at the earliest opportunity with recommendations for an indoor pool/leisure centre."

Resolved:

(Moved: Councillors Ebbeck/Andrew)

That the above Notice of Rescission as printed be adopted.

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

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

(Moved: Councillors Ebbeck/Hall)

- A. That Turramurra will be a local centre with a total of approximately 21,500sqm NFA of retail, including shop front commercial.
- Two main retail centres, one on the south of Pacific Highway and the other on the eastern side around the Gilroy Lane and Turramurra Avenue area; small retail and shop front commercial in the Ray Street precinct.
 - Community facilities are located around the Ray Street precinct to create a community hub.
 - Two expanded supermarkets with a combined total of approximately 4,500sqm.
 - Future consideration given by Council of a leisure centre.
 - Strip shops are retained so as to maximise amenity for the community and viability for local businesses.
 - New cafes, restaurants and specialist shops at the rear of the centre facing north onto new public spaces so as to maximise amenity.

- Total of 5,000sqm NFA commercial (located on the upper floors rather than ground floor) to cater for small local businesses, professional services, medical services and the like.
 - Residential shop top housing in all appropriate retail areas.
- L. That a best case traffic plan be prepared for the option as adopted, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.

That creation of new roads generally as indicated on the map in attachment H be further considered by Council prior to inclusion in the Draft LEP and Draft DCP.

- P. That the Aquatic Study come to Council at the earliest opportunity with recommendations for an indoor pool/leisure centre."

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

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

The second part of the above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:

(Moved: The Mayor, Councillor Malicki/Councillor Bennett)

- A. Turramurra will be a local centre with a total of approximately 21,500sqm NFA of retail including shop front commercial:
- Two main retail centres, one on the south of the Pacific Highway and the other on the eastern side, around the Gilroy Lane and Turramurra Avenue area, except that a major supermarket (currently Coles) will be located in the Ray Street precinct, along with the library.
 - Two expanded supermarkets with a combined total of approximately 4,500sqm.
 - Strip shops are retained fronting away from the Pacific Highway with commercial and retail uses.
 - New cafes, restaurants and specialist shops at the rear of the centre facing north onto new public spaces.
 - Total of 5,000sqm commercial (located on the upper floors rather than the ground floor) to cater for small local businesses, professional services, medical services and the like.
 - Residential shop top housing in appropriate retail areas.
- L. That a best case traffic plan be prepared for the option as adopted, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.
- P. That the Aquatic Study come to Council at the earliest opportunity with recommendations for an indoor pool/leisure centre outside of Turramurra Town Centre.

During the debate, a Motion was moved by Councillors Hall & Ebbeck to put the Motion to the vote in accordance with Clause 250 of the Local Government (General) Regulations, 2005.

For the Motion: Councillors Andrew, Cross, Ebbeck, Hall, Lane, Ryan & Shelley

Against the Motion: The Mayor, Councillor E Malicki & Councillor Bennett

During the Public Address on the above item,
the following Petition was presented to Council:

20 **Petition Against Rescission Motion Re Turramurra Town Centre -
(One Thousand, Nine Hundred & Fifty-Four [1,954] Signatures)**

File: S04038

The following Petition was presented by Councillor Cross:

"We, the undersigned residents of Ku-ring-gai, hereby state our opposition to the rescission motion regarding Turramurra Town Centre Preferred Land Use Options moved by Ward Councillors N Ebbeck, A Andrew & Councillors T Hall, A Ryan & M Lane (dated 27/1/2006).

In particular, we are opposed to the relocation of the Coles supermarket from its current location to the Turramurra Avenue area."

Resolved:

(Moved: Councillors Cross/Malicki)

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

CARRIED UNANIMOUSLY

Councillor Ryan withdrew

GENERAL BUSINESS (cont'd)

21 **Representation on Northern Sydney Regional Organisation of Councils
(NSROC)**

File: S02342

For Council to make an appointment for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

Resolved:

(Moved: Councillors Ebbeck/Bennett)

That Councillor Cross be appointed to represent Council on the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2006.

CARRIED UNANIMOUSLY

22 Investment Cash Flow & Loan Liability as at 31 December 2005

File: S02722

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

Resolved:

(Moved: Councillors Shelley/Cross)

Councillor Ebbeck withdrew during discussion

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

CARRIED UNANIMOUSLY

23 Draft Sport in Ku-ring-gai

File: S04032

To seek Council's endorsement of the Draft Sport in Ku-ring-gai Strategy.

Resolved:

(Moved: Councillors Shelley/Andrew)

- A. That the Draft Sport in Ku-ring-gai Strategy, as amended, be publicly exhibited and a further report brought back to Council addressing outcomes of the consultation.
- B. That Council investigate the opportunities for the purchase of private sporting facilities in Ku-ring-gai as part of the Sport in Ku-ring-gai Strategy.
- C. That Council investigate the reuse of the existing and under-utilised assets, including tennis courts, for new sporting facilities as part of the Sport in Ku-ring-gai Strategy.

CARRIED UNANIMOUSLY

24 NSROC Sub-Regional Planning Strategy

File: S02342

To advise Council of NSROC's draft Northern Sydney Sub-Regional Planning Strategy and to seek Council's endorsement for exhibition of the document.

**Councillors Ryan & Ebbeck returned
during discussion**

Resolved:

(Moved: Councillors Bennett/Ryan)

That consideration of the matter be deferred for the Planning Committee meeting to be held on 21 February 2006 as outlined in the memo to Councillors dated 7 February 2006 and reported back to Council.

CARRIED UNANIMOUSLY

25 Town Centres Planning Work Programme

File: S04151

To provide Council with a programme for completion of the Town Centres Planning, taking into account feedback from the Department of Planning and required tasks.

Councillor Cross departed during discussion

Resolved:

(Moved: Councillors Shelley/Ebbeck)

- A. That Council adopt the timeframe and processes outlined in the report for the completion of Town Centres Planning, including information circulated by a late memo to Council appending the report referred to therein.
- B. That an Extraordinary Meeting of Council be held on 27 March 2006 to consider amendments to the Town Centres LEP which encompasses proposals for the Turrumurra Centre.

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

Against the Resolution: Councillor Bennett

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

(Moved: Mayor, Councillor Malicki/Councillor Bennett)

- A. That Council adopt the timeframe and processes outlined in the report for the completion of Town Centres Planning, including information circulated by a late memo to Council appending the report referred to therein.
- B. That more detail on the processes to be used be provided in a separate report to Council.
- C. That an Extraordinary Meeting of Council be held on 27 March 2006 to consider amendments to the Town Centres LEP which encompasses proposals for the Turramurra Centre.

QUESTIONS WITHOUT NOTICE

26 Asset Class Standard of Council Infrastructure

Files: S02129, S02135, S02861

Question Without Notice from Councillor L Bennett

For the following asset classes - roads, drainage, sportsfields, footpaths & buildings, what will be the length of time necessary to bring each asset class to satisfactory standards (using definitions of 'satisfactory' applied in the Council's Annual Report) at rates of expenditure as per the financial year 2005 to 2006?

Answer by the Acting General Manager

We are in the midst of preparing a report exactly on that. It is scheduled for 28 February 2006.

Question by Councillor Bennett

And that will deal with specifics of this question which is the length of time.

Answer by the Acting General Manager

I will ensure that it deals with the Question Without Notice.

27 Increased Running Costs for Underground Car Parking

File: S02859

Question Without Notice from Councillor L Bennett

A number of Councils have undergrounded car parking. Could information on increased running costs due to security, ventilation, lighting and maintenance be obtained from these areas as well as information on depreciation (actual and accounting)?

Answer by the Mayor

Yes, that can be done.

28 **Mayoral Delegations of Authority**

File: S02017

Question Without Notice from Councillor T Hall

Would the Mayor advise whether she used her delegation in the Christmas Recess and, if so, would she report to Council those decisions, please?

Answer by the Mayor

Councillor Hall, we have already signed that delegations were not used. The only thing that I did as Mayor was to follow through a resolution of Council with the regard to the General Manager but we have already signed a certificate that no delegations were exercised by the Mayor, Acting General Manager and the Deputy Mayor over the recess period.

29 **Use of Mayoral Delegation in Advertising for General Manager**

Files: S02017, S03001

Question Without Notice from Councillor T Hall

Would the Mayor advise whether a Mayoral Delegation was used on 13 January 2006 to not advertise in the "Australian" newspaper for the vacancy of General Manager position as is usual practice?

On tape: Would the Mayor then advise on Friday, 13 January, she resolved to not to advertise in the Australian, the recruitment of the General Manager's position?

Answer by the Mayor

That's not so, Councillor Hall, because that was part of and it's actually in the Minutes of the meeting that was held by Councillors.

30 **Ku-ring-gai Council Centenary - Oral History Interviews**

File: S02646

Question Without Notice from Councillor M Shelley

Could the Acting General Manager advise who owns the intellectual property of the oral history interviews conducted by the researchers for the Ku-ring-gai Centenary of Local Government and should Council not own the intellectual property of such interviews, would the Acting General Manager proceed on the development of the Intellectual Property Policy as I requested in June 2005?

Answer by the Mayor

The Acting General Manager will investigate and report.

31 **Toner Recycling Bins - Placement in Local Libraries**

File: S02227

Question Without Notice from Councillor M Shelley

Could the Acting General Manager advise whether toner recycling bins have been placed in local libraries as I requested that the Director Community Services and the Director Technical Services liaise in this regard in November 2004?

Answer by the Mayor

They have been.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following item
which was moved by Councillors Ryan & Lane*

For the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Ebbeck, Lane, Ryan & Shelley

Against the Resolution: Councillor Hall

32 **Council ats Mirvac Properties Pty Limited - Land & Environment Court Proceedings No 1165 of 2005 - 10 to 16 Marian Street, Killara**

File: S04123

To advise Council in relation to the status of proceedings in the Land & Environment Court and invite Council to provide instructions in relation to any further offer to be made in settlement.

Resolved:

(Moved: Councillors Ryan/Ebbeck)

That Council proceed as discussed in Confidential Session.

CARRIED UNANIMOUSLY

**At 11.55pm a Motion moved by Councillors Ebbeck & Ryan
to extend the meeting until 12.10am
was put to the vote and CARRIED UNANIMOUSLY**

**At 12.05am a Motion moved by Councillors Ebbeck & Ryan
to extend the meeting until 12.20am
was put to the vote and CARRIED UNANIMOUSLY**

33 Staff Matter - Acting General Manager

File:S03001

Resolved:

(Moved: Councillors Ebbeck/Shelley)

That the Acting General Manager's remuneration be as discussed.

CARRIED UNANIMOUSLY

The Mayor adverted to the consideration of the matters referred to in Minutes numbered 32 & 33, and to the resolutions contained in such Minutes.

The Meeting closed at 12.19am

The Minutes of the Ordinary Meeting of Council held on 7 February 2006 (Pages 1 - 139) were confirmed as a full and accurate record of proceedings on 28 February 2006.

Acting General Manager

Mayor / Chairperson