



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 20 APRIL 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 23 March 2004

Minutes numbered 140 to 161

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 13 April 2004

Minutes numbered 162 to 164

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

GB.1 5 Wallace Parade, Lindfield - Demolition Of The Existing Dwelling And Construction Of A Detached Dual Occupancy

1

File: DA101/03

Ward: Roseville

Applicant: P & L Zalums c/- Glendinning Minto & Associates

Owner: P & L Zalums

To determine a Development Application for the demolition of the existing dwelling and the construction of a detached dual occupancy.

Recommendation:

Recommended for approval

GB.2 56 Cowan Road, St Ives - Demolition Of Existing Structures And Erection Of SEPP5 Development Consisting Of 6 X 3 Bedroom Units And Basement Parking And Strata Subdivision

39

File: DA 1488/03

Ward: St Ives

Applicant: Home Horizon Pty Ltd, c/o Glendinning Minto & Associates Pty Ltd

Owner: T J & S F Orr

GB.6 6 Duneba Avenue, West Pymble - Demolition Of Existing Dwelling And Garage And The Construction Of A Detached Dual Occupancy Development 360

File: DA1597/03

Ward: Gordon

Applicant: Dobbin & Company Pty Ltd, c/o Glendinning Minto & Associates

Owner: Dobbin & Company Pty Ltd

To determine a development application for two, two storey dwellings as a detached dual occupancy development.

Recommendation:

Conditional consent

GB.7 **14 Arthur Street, Killara - Supplementary Report** **403**

File: DA937/03

To address matters raised at the site inspection of 13 March 2004 and for Council to determine a Section 82A application for Council to review its' refusal of consent for demolition of the existing dwelling and swimming pool and the construction of detached dual occupancy dwellings.

Recommendation:

That the additional information be noted and that the Section 82A application, be determined by Council granting consent, subject to conditions.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS & PUBLIC EXCLUDED

The Item listed hereunder is recommended for consideration in Closed Meeting, Press & Public excluded for the reason stated below:

- C.1 **14 Arthur Street, Killara - Briefing Report - Land & Environment Court Appeal No 11103 Of 2003** **1**
(Section 10A(2)(g) - Advice concerning litigation)

File: DA 937/03

Report by Director Environmental & Regulatory Services dated 14 April 2004

Brian Bell
General Manager

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Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration – general

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

- a. The provisions of:*
- i. any environmental planning instrument, and*
 - ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. any development control plan, and*
 - iv. any matters prescribed by the regulations,*
- that apply to the land to which the development application relates,*
- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - c. the suitability of the site for the development,*
 - d. any submissions made in accordance with this Act or the regulations,*
 - e. the public interest.*

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	5 WALLACE PARADE, LINDFIELD - DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A DETACHED DUAL OCCUPANCY
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	101/03
SUBJECT LAND:	5 Wallace Parade, Lindfield
APPLICANT:	P & L Zalums c/- Glendinning Minto & Associates
OWNER:	P & L Zalums
DESIGNER:	Lifestyle Home Designs Pty Ltd
PRESENT USE:	Single Dwelling
ZONING:	Residential 2b
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Development Control Plan No.43 - Car Parking, Development Control Plan No.40 - Waste Management, Dual Occupancy Policy
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy 53 State Environmental Planning Policy 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	4 February 2003
40 DAY PERIOD EXPIRED:	16 March 2003
APPEAL LODGED	15 January 2004
AMENDED PLANS	6 January 2004
PROPOSAL:	Demolition of the existing dwelling and construction of a detached dual occupancy
RECOMMENDATION:	Recommended for approval

DEVELOPMENT APPLICATION N^o	101/03
PREMISES:	5 WALLACE PARADE, LINDFIELD
PROPOSAL:	DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A DETACHED DUAL OCCUPANCY
APPLICANT:	P & L ZALUMS C/- GLENDINNING MINTO & ASSOCIATES
OWNER:	P & L ZALUMS
DESIGNER	LIFESTYLE HOME DESIGNS PTY LTD

PURPOSE FOR REPORT

To determine a Development Application for the demolition of the existing dwelling and the construction of a detached dual occupancy.

EXECUTIVE SUMMARY

- Demolish an existing dwelling and garage on site and construction of a detached dual occupancy.
- Three (3) objections received to original application, Two(2) objections received to amended plans.
- Amended plans received on 6 January 2004.
- A deemed refusal appeal was lodged with the Land and Environment Court on 15 January 2004.
- The appeal is set down for hearing on 3 May 2004.
- Recommended for approval.

HISTORY

On 4 February 2003 the subject application was submitted to Council. Following a preliminary assessment, Council's Heritage and Urban Design Officer raised concerns over the streetscape appearance of the development, particularly in relation to its scale and bulk. Concerns were also raised by Council's engineers in relation to the driveway design.

In relation to these issues, numerous amendments were suggested to the applicant in an endeavour to eliminate these concerns and specifically to ensure that the design of the proposed driveway complied with Council's requirements. The applicant met with Council Officers in September 2003 to discuss these concerns.

In response, the following amendments were suggested by the applicant:-

- Deletion of the first floor from House No 1.
- Modification to levels to satisfy driveway requirements.
- Modification of the first floor of House No 2, to incorporate a verandah, change the roof line and detail external finishes of the facade.

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Despite these amendments being suggested, Council's Heritage and Urban Designer Officer's previous criticisms of the proposal remained unchanged. Further, Council's Engineers confirmed previous concerns in relation to the design of the proposed driveway.

Amended plans were submitted to Council on 6 January 2004. The proposed development has been amended as follows:

House No 1

- First floor deleted;
- Pitching point reduced from 2740mm to 2440mm;
- Garage doors modified to provide two(2) single garage doors.

House No 2

- Balcony removed and replaced with roof;
- Lounge room reduced in area to allow wrap around roof affect;
- Pitching point reduced from 2740mm to 2440mm;
- Garage doors modified to provide two(2) single garage doors;
- Gable over front entry removed.

The amended plans are the subject of this report.

THE SITE

Zoning:	Residential 2b
Visual Character Study Category:	1920-1945
Lot Number:	2
DP Number:	33481
Area:	824m ²
Side of Street:	North-eastern
Cross Fall:	South-west
Stormwater Drainage:	To Wallace Parade
Heritage Affected:	No
Required Setback:	12.0 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	Not identified as contaminated

SITE DESCRIPTION

The subject property is a regular shaped allotment located on the north-eastern side of Wallace Parade. The site slopes moderately to Wallace Pde, with a fall of approximately 4-5m. Existing on the site is a single storey brick and tile dwelling located towards the centre of the site.

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There are numerous trees located at the rear of the site.

The surrounding area contains a mix of residential development. In particular, development along Wallace Parade consists of a combination of single storey Californian Bungalows with some contemporary additions and more recent two storey dwelling houses. Numerous carport and garage structures are apparent in close proximity to the subject site.

THE PROPOSAL

Is a new front fence part of the proposed development? No
Is a new swimming pool part of the proposed development? No

The application seeks consent for the demolition of an existing dwelling and garage and the construction of a two storey detached dual occupancy development comprising the following:

House No 1.

Lower Ground floor plan Double garage, entry, bathroom, bedroom and ensuite.

Ground floor plan Dining, kitchen, lounge, family, two bedrooms, bathroom and ensuite, balcony off southern elevation, ground floor terrace at rear.

House No 2.

Lower Ground floor plan Double garage, entry, bathroom, bedroom, study and ensuite.

Ground floor plan Dining, kitchen, lounge, family, three bedrooms, bathroom and ensuite, and ground floor terrace at rear.

The floor area of the existing dwelling is 137m². The floor area of proposed Dwelling 1 is 160m². The floor area of proposed Dwelling 2 is 173m². There is no street front fencing proposed as part of this development.

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

The following comments have been received:

Original proposal

D Palmer - 14 Highfield Road, Lindfield
C & J Barry - 7 Wallace Parade, Lindfield
R & H Gray - 25 Balfour Street, Lindfield

Amended proposal

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D Palmer - 14 Highfield Road, Lindfield.
C & J Barry - 7 Wallace Parade, Lindfield.

The submissions raised the following issues:

Over development of the site.

The proposal will increase the density of the site as outlined previously in this report and is considered reasonable under State Environmental Planning Policy No 53. The proposed development results in a compliant floor space ratio of 0.4:1, compliant height, suitable setbacks and adequate soft landscaping in accordance with statutory requirements.

Inadequate streetscape presentation.

The proposed development will be of suitable appearance and satisfies the streetscape principles of SEPP 53. Development should incorporate design, architectural detailing, materials and colours sympathetic within the area. The scale and bulk of the proposed development is compatible with those found in the locality and will not have an adverse impact on the subject site, adjoining properties or surrounding development.

The side setbacks proposed will also allow for suitable screening vegetation that will further soften the development from the street. Council's Heritage and Urban Designer has recommended that a special condition be imposed to ensure that the external detailing, finishes and materials are sympathetic to the surrounding area. This matter will be addressed (See Condition No 4).

Inconsistent with general amenity of the neighbourhood.

Dual occupancy development is a permissible use within the residential zoning and this proposal is not considered out of character with the surrounding neighbourhood. SEPP No 53 was introduced specifically to facilitate medium density developments in areas where they would be otherwise have been prohibited.

Traffic congestion and road safety.

The proposal, when considered in conjunction with the provisions of off street parking, is in accordance with Councils requirements. Having regard to the existing traffic volumes it is not considered that the proposal will adversely affect road safety or the free flow of traffic in the locality. Given the amount of traffic and the number of trips by occupants likely to be generated by this development, vehicles entering and leaving the site are not considered to constitute an unreasonable impact on the safety of children attending the adjoining school or of adjoining residences.

Overshadowing impacts to No 7 Wallace Parade and 14 Highfield Rd, Lindfield.

Solar access to No 7 Wallace Parade, Lindfield and 14 Highfield Rd, Lindfield will remain unaffected by the proposal as the subject properties are situated to the north or north-west of No 5 Wallace Parade.

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Some additional overshadowing occurs to the adjoining property in the afternoon (No 3 Wallace Parade), however, the proposal allows at least 3 hours of morning sunlight to reach the rear yard and living areas of this property during the time of the winter solstice. The proposed development conforms with the solar access principles of SEPP 53.

The proposal has been designed to provide both new dwellings with suitable levels of solar access.

Inconsistent with Council's Development Control Plan No 38 - Dwelling Houses.

Development Control Plan No 38 - Dwelling Houses does not apply to Dual Occupancy development. A summary of compliance with Council's Dual Occupancy Development Control Code provided below.

Visual and acoustic privacy impacts to No 7 Wallace Parade and 14 Highfield Rd, Lindfield

The setbacks to the adjoining side boundary of No 14 Highfield Road vary between 7m-10m. The viewing from living areas at the rear of the development (Houses 1 & 2) will not be directly into living areas of adjoining properties and will be toward the existing rear yard area of the subject site, which, given the sloping topography in this location, will curtail any direct overlooking possibilities to the adjoining property. Existing and suitable proposed perimeter plantings will ensure an adequate amount of privacy for both sets of occupants and adjoining property owners.

The north-west elevation of House 1 contains two windows at ground floor level servicing a study/dining room and a highlight window to a lounge room. Consequently, privacy impacts to the adjoining dwelling to the north-west (No 7 Wallace Parade) will be adequately maintained by virtue of providing minimal windows on this side of the dwelling. Further, the proposed dwelling (House 1) is suitably separated by both existing vegetation and fencing, and given the moderate topography in this location, is considered satisfactory.

Additionally, a suitable landscaping scheme within the side setbacks will further mitigate any visual privacy impacts. The setbacks and moderate topography also enable visual privacy to be maintained.

The proposal therefore is unlikely to significantly impact upon the privacy of the adjoining properties.

Stormwater and drainage.

Council's Development Engineer has advised that the disposal of stormwater from the site will be satisfactory subject to appropriate conditions.

Loss of vegetation and trees.

The positioning of the development will allow the retention of some significant vegetation situated at the front and rear of the site. The retention of these trees will provide a mature setting for the

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development as well as providing screening from the surrounding properties. A suitable landscaping scheme will also adequately replenish the loss of vegetation and trees upon the site.

CONSULTATION - WITHIN COUNCIL

Development Control Engineer

Driveway details and longitudinal sections were received by Council on 29 March 2004 which demonstrate that compliance with Council's requirements can be achieved.

The initial concerns of Council's Development Control Engineers have been addressed and will be satisfactory, subject to appropriate conditions (See Condition 61 & 62).

Landscape Development Officer

An inspection of the property was conducted on 18 March 2003.

The site

It is proposed to demolish the existing dwelling and construct a detached Dual Occupancy on the existing single allotment of 823.5sqm, with vehicular access for both dwellings from Wallace Parade. The site is characterised by a single storey brick cottage located towards the eastern side of the site, while the western side of the site is characterised by an informal landscape with exotic shrubs and lawn areas beneath a mature native tree canopy. The site slopes upwards away from the street frontage with a rise of approximately 4.5m.

Impact on trees

*The development proposes the removal of a number of trees which are either exempt due to their proximity to the existing dwelling or are in poor condition. There is as noted by the Arborists Report (Footprint Green) a Syncarpia glomulifera (Turpentine) with significant landscape significance located within the proposed building footprint of House 1. The tree is identified as having 'priority for retention'. **This tree should be retained.** The Turpentine is identified as being 18.0m high with a 15.0m canopy spread and is in moderate condition.*

Impacts on neighbouring properties

The proposed development will impact on neighbouring properties with a significant increase in the built form, which will have particular impact on the existing streetscape character, changing the character from one where the landscape and trees predominate to one where the built form will predominate. There will also be an increase in traffic flow as associated with an additional dwelling.

Trees to be removed

Tree numbers refer to arborists Report (Footprint Green) July 2002.

#3 Jacaranda mimosifolia (Jacaranda) located adjacent to the north west site boundary. The tree is approximately 11.0m high and in moderate condition. The tree is suppressed with low landscape significance.

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#4 Jacaranda mimosifolia (Jacaranda) located adjacent to the north west site boundary. The tree is approximately 10.0m high and in good condition. The tree is suppressed with low landscape significance.

*#5 Syncarpia glomulifera (Turpentine) located adjacent to the north west site boundary. The tree is multi trunked, approximately 18.0m high and in moderate condition. **The tree is identified as having significant landscape significance, with a priority for retention.***

#6 Magnolia soulangeana (Magnolia) located centrally on site. The tree is approximately 4.0m high and appears to be in moderate condition. The tree has low landscape significance and is exempt under council's Tree preservation Order due to its size and immaturity.

#7 Acer palmatum (Japanese Maple) located centrally on site. The tree is approximately 5.0m high and appears to be in moderate condition. The tree is identified as having low landscape significance.

#8 Magnolia soulangeana (Magnolia) located immediately adjacent to the existing dwelling. The tree is in poor condition and is exempt under Council's Tree Preservation Order due to its proximity to the existing dwelling.

Should the director of Environment and Regulatory Services support the application conditions should be applied.

Comment:

The proposed front setback and landscaping scheme will provide a positive contribution to the streetscape that prevails along this section of Wallace Parade. The front setback of 6.0 metres is capable of accommodating significant plantings that will soften the visual appearance from both the street and neighbouring properties. A standard condition of consent is recommended requiring the provision of suitable species within the front setback area in accordance with the Landscape plan submitted for consideration. (See Condition No 45).

Heritage and Urban Design Officer

Streetscape/ context

The context on this side of the street is not very inspiring, unlike the opposite side of Wallace Parade which has an attractive group of Inter-war bungalows set down low. The Neighbourhood Character Study notes the existing house as 'contributory' but this has no legal force; it is not aesthetically significant enough to be listed as a heritage item in my view.

Bulk, form & scale

The development will have a negative impact on the streetscape. The standard of design is below average. Both houses are similarly bulky as seen from the street and the four garage doors will tend to dominate the front elevation.

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On the plus side, however, the walling materials are appropriate and varied (brick, render and weatherboards), they are using timber windows and doors (not aluminium) and some attempt has been made to vary the design

Conclusion

I would prefer to see an amended design but I do not think the application can be refused on this aspect alone. I am not able to give evidence to the Land & Environment Court on this matter. I suggest that the application be approved with conditions to minimise the visual impact on the neighbourhood character: window frames to be painted timber, garage doors to be timber painted a recessive colour, palette of materials and colours to be chosen to harmonise with nearby buildings. Other differences could be introduced between the two houses (eg use brick base and render upper floor on one house).

Comment:

A special condition has been recommended to ensure that the external detailing, finishes and materials are sympathetic to the surrounding built environment. (See Condition No 4).

PROVISIONS OF RELEVANT LEGISLATION

**The Environmental Planning & Assessment Amendment Act 1979
Section 79C**

1. Environmental Planning Instruments

The application requires development consent under SEPP 53.

State Environmental Planning Policy No 53

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) *broaden the housing choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

Clause 3 of the SEPP states that these aims will be achieved by:

- (a) *by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies, and*
- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
- (c) *by encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by*

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allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.

Clause 18 of the SEPP permits with Council's consent, the creation of a dual occupancy development.

Clauses 19 and 20 specify standards that must be complied with. A summary of compliance is as follows:

Clause	Standard	Proposal	Compliance
Lot size	400 sqm	824sqm	Yes
Floor-space ratio	0.5:1	0.40:1	Yes
Car parking	4 car spaces	4 car spaces	Yes

Clause 31 states that a consent authority cannot approve a development unless it has taken into consideration a Site Analysis Plan and Statement prepared in accordance with the SEPP. The plan and documentation submitted with the application is satisfactory.

Clause 32 states that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principals:

a. Streetscape

The proposed development will be of suitable appearance and satisfies the streetscape principles of SEPP 53. The scale and bulk of the proposal is compatible with those found in the locality being a combination of single Californian bungalows with some contemporary additions and some more recent two storey dwelling houses.

b. Visual and Acoustic Privacy

Adequate private open space has been provided to the rear of each dwelling.

The new dwellings have been designed to reduce privacy impacts. All living rooms are located on the ground floor at the rear of the site and suitable perimeter vegetation has been proposed.

As previously stated, privacy to adjoining properties will be maintained and the proposed development will not result in any adverse impacts on the privacy and residential amenity of the adjoining properties.

c. Solar Access and Design for Climate

The proposed dwellings will receive adequate solar access to their primary living rooms and outdoor living spaces. The aspect and orientation of the dwellings will provide for adequate amenity for the future occupants.

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The proposed development will result in some overshadowing to the adjoining property at No 3 Wallace Parade in the afternoon. However, suitable solar access will still be available to this property in the morning. The proposed development will satisfy the solar access principles of SEPP 53, in that adequate daylight to the main living areas of neighbours and residents is provided. Also, adequate sunlight to substantial areas of private open space is maintained.

d. Stormwater

This aspect was fully considered by the Council's Development Control Engineers and is considered to be satisfactory, subject to the imposition of recommended conditions.

e. Crime Prevention

The proposed dwellings will gain pedestrian and vehicular access from Wallace Parade. In addition, the proposed living/lounge areas at ground floor level allow general observation opportunities of the dwelling entry areas. The occupants of the dwelling will enjoy acceptable levels of both passive and active surveillance in accordance with the Crime Prevention objectives under State Environmental Planning Policy No 53.

f. Accessibility

Safe pedestrian links are available to local facilities from the subject property. Convenient access and parking is available for future residents of the proposed development.

g. Waste Management

Suitable space exists on the property for the storage of waste management containers.

h. Bulk

The building form, setbacks and height of the proposed development are consistent with surrounding development.

The proposal provides an acceptable presentation to the street and will respond adequately to the built environment of the locality. The architecture within the street is varied in respect to bulk and scale. Having considered the size and scale of the surrounding developments, the proposal is in keeping with the area.

The proposal does not significantly disrupt the character of adjoining buildings and would not detract from the amenity of the area.

State Environmental Planning Policy 55 - Remediation of Land

Council's records do not indicate any evidence of contamination of the subject land.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The Ku-ring-gai Planning Scheme Ordinance does not contain any specific controls in relation to dual occupancy developments. However, the aims and objectives of the Ordinance as outlined in Schedule 9 may be applicable to this application.

The proposal conforms with the aims and objectives of Schedule 9 of the KPSO.

The maximum height of the proposed development is 5.6metres which complies with the height limit of 8 metres specified in Clause 46(2).

Clause 60C(2) of the KPSO applies a maximum built-upon area of 60%. The proposed built upon area is 46%.

Development Control Plan 40 - Waste Management

The site is of sufficient size to accommodate waste storage and recycling facilities associated with the proposed use. A Waste Management Plan will be required via a recommended condition.

Development Control Plan 43 - Carparking

Development Control Plan 43 requires the following:

Minimum 1 space per dwelling under 125 sqm.

Minimum 2 spaces per dwelling that exceeds 125 sqm.

Both the proposed dwellings are in excess of 125sqm in total floor space which requires (4) off street car parking spaces. The proposed development provides four (4) off street car parking spaces.

Council's Dual Occupancy Development Control Code - 16 April 2003

Council has prepared a Development Control Code pursuant to Section 72 of the Environmental Planning and Assessment Act 1979. The code is intended to complement the statutory requirements of State Environmental Planning Policy No 53 in relation to dual occupancy development.

As Council has adopted the Development Control Code for dual occupancies as of 8 April 2003, this proposal has been assessed against the provisions of this Code. In the case of any inconsistency between this code and the provisions of State Environmental Planning Policy No 53, the provisions of State Environmental Planning Policy No 53 shall prevail. The aims and objectives of this Code should be read in conjunction with Schedule 9 of the KPSO, "Aims and Objectives for Residential Zones".

A summary of compliance against the policy standard is as follows:

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Standard	Requirement	Compliance
Streetscape	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes.
Visual character	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes.
Architectural design	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes. The architectural style of the proposed development is consistent with that adjoining and the surrounding area in that it has incorporated traditional gable elements to the façade of the dwelling.
Roof pitch	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes.
Visual privacy	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens, courtyard walls.	Yes. Side boundary fencing and suitable perimeter plantings will ensure an adequate amount of privacy for both sets of occupants and adjoining property owners.
Acoustic privacy	Minimise noise transmission, relationship to major roads.	Yes.
Solar access	Maximise north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes.
Energy efficiency	Designed to reduce energy use, consider thermal properties of construction materials.	Yes.
Watercourses and drainage systems	Retain ecological integrity. 100 year flood, riparian zone, etc.	N/A.
Stormwater disposal	Site detention, reuse, effect on vegetation.	Yes.
On site detention	Should be considered.	Yes.
Water conservation	Particular plumbing fittings.	Yes. Subject to conditions.
Site and building design	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes. The proposed dwellings have pedestrian and vehicular access from Wallace Parade. The occupants of the dwelling will enjoy acceptable levels of both passive and active surveillance.

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Lighting	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes.
Vehicle access	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, safety. Heritage significance, existing trees.	Yes.
Car parking	Numbers, size, location, sympathetic to development.	Yes.
Disabled access	Travel paths, etc.	Yes.
Waste storage facilities	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes.
Building setbacks Single storey setbacks Upper level setbacks	Regard existing and pattern of street. Setback between occupancies 7 metres. Side and rear to allow for landscaping.	No. Front: 12 metres required, proposed – (House 1, 6.2m) – (House 2, 6.1m). The setback proposed is consistent with setbacks of adjoining developments and will not have a negative affect upon the composition and existing setting of the streetscape. The setting of the dwellings will not have a detrimental effect upon the relationship to adjoining and adjacent properties
Side setbacks for single storey	9% of the site (single storey) 2.6 metres required.	No. 1.5 – 2 metres provided for single storey. Adequate separation and screen planting will be provided.
Side setback for two storey	12% of the site (two storey) 3.5 metres required.	No. 2 metres provided for two storeys. Adequate separation and screen planting will be provided.
Rear setback	Minimum 3 metres.	Yes. 6m rear setback is provided.
Building form	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight	Yes. The building form is compatible with other dwellings in the street and the design of the proposal incorporates acceptable urban design planning principles.

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	both within and outside the site.	
Built upon area	Comply with 40 % standard for development.	No. Proposed 46%. The proposed development is considered to maintain a soft landscaped area which is not unlike those exhibited on adjoining properties and those in the nearby locality. There is still adequate landscaping proposed within the front and rear setbacks to address Council's requirements that development is to reinforce the landscaped character and quality of the locality.
Floor space ratio	Comply with standard for development.	Yes. Permitted 0.5:1, proposed 0.4:1.
Building height	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	Yes - 5.6m (max).
Building envelope	Comply with standard for development	Yes.
Cut and fill	Maximum 1800mm.	Yes.
Views	Protect significant views.	Yes.
Private open space	Comply with standard for development	Yes. Required: 100m ² , proposed: Proposed Dwellings - has more than 100m ² and each area is larger than 5m x 5m.
Protection of bushland	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Yes.
Heritage	Consider heritage impacts both within and outside the site.	Yes. (As discussed previously)
Site and waste management	Prepare site management plan.	Yes. Subject to condition.
Pollution control	Comply with Draft DCP No.47	Yes.

* Further comments on above Standard. (N/A)

2. Likely Impacts

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The design responds appropriately to the sites topography and surroundings and will have minimal impact on the adjoining properties. There will be no adverse impacts upon the streetscape or the character of the locality.

3. Suitability of The Site

The land is of a satisfactory shape and size to accommodate the proposed development and to enable it to integrate with the surrounding development and provide a suitable level of amenity for future occupants. Utility services are available to the site and there are not any site hazards such as landslip, etc. The site is therefore suitable for the proposed development.

4. Any Submissions

The submissions received by Council have been discussed throughout the body of the report.

5. Public Interest

The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

6. Section 94

This proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development. The monetary contribution is required to be paid by Condition 50 of the recommended consent.

Any other Relevant Matters Considerations Not Already Addressed

There are no other relevant matters.

CONCLUSION

The proposal is permissible with consent under the provisions of SEPP 53. The proposal complies with the aims, objectives and development standards of the environmental planning instruments applying to dual occupancies.

The development will provide greater housing choice. The proposal will provide a satisfactory level of amenity for future occupants and will not have an adverse affect upon the amenity of the adjoining properties or the character of the surrounding area.

RECOMMENDATION

That Development Application No 101/03 for the demolition of the existing dwelling and the construction of a detached dual occupancy on Lot 2, DP 33481, 5 Wallace Parade, Lindfield, be approved for a period of 2 years from the date of determination, subject to the following conditions:

GENERAL CONDITIONS

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1. The development to be in accordance with Development Application No 101/03 and Development Application plans prepared by Lifestyle Home Designs, reference number 0206/1-0206/2, dated December 2003 and lodged with Council on 6 January 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. External finishes and colours are to be sympathetic to the surrounding built environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the

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site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. To maintain existing ground levels all excavated material shall be removed from the site.
14. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
15. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
16. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
17. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.

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

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

20. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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26. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

27. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
28. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

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This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 33. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
 34. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
 35. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
 36. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
 37. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
 38. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Unless otherwise approved, separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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- NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 3: All roofs, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.
- NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

39. For stormwater control a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water from the driveway. The drainage line shall be connected to the street system.
40. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

41. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as

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directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

42. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – “Off-Street car parking”.
43. All structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority must be contacted immediately for advice.
44. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council’s Tree Preservation Order.

45. Landscape works shall be carried out in accordance with Landscape Drawing No 03001/A prepared by Julian Brady and dated January 2003 submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
46. 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.
47. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Eucalyptus globulus</i> (Tasmanian Bluegum) Wallace Parade nature strip	10.0m
<i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to north west site boundary	3.0m
<i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to north east (rear) site boundary	7.0m

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

Tree/Location	Radius From Trunk
<i>Eucalyptus globulus</i> (Tasmanian Bluegum) Wallace Parade nature strip	9.0m

49. 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 surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Eucalyptus globulus</i> (Tasmanian Bluegum) Wallace Parade nature strip	9.0m
<i>Cedrus deodara</i> (imalayan Cedar) Adjacent to north west site boundary	3.0m

50. 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.
51. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
52. 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

53. The proposed development should contribute to water conservation where possible through the installation of the following water conservation devices:
- Maximum 6/3 litre dual flush cisterns
 - Shower heads with reduced water flow devices

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- Aerating taps or taps with flow control valves or restrictors
- Water efficient appliances
- Swimming pool covers
- Drip garden watering systems
- Rainwater tanks where possible in accordance with the requirements of DCP No 46 – Exempt and Complying Development.

Any such measures to be incorporated within the design of the development shall be included within the documentation to be submitted with the construction certificate.

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

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

55. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
56. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
57. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

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- 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.
58. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
59. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Lindfield	\$7,851.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

60. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

61. For vehicular access to the proposed garages, each garage is to be set down a minimum of 500mm below the levels shown in the approved plans. Amended plans are to be submitted to the Principal Certifying Authority and approved prior to issue of the Construction Certificate.
62. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be provided for approval by the Principal Certifying Authority (PCA). These are to be along both sides of the proposed driveway from the centreline of the frontage street to the proposed garage/carport slab, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with Australian Standard 2890.1 – 2004 "Off-street car parking". If a new driveway crossing is proposed then the longitudinal sections must incorporate a layback to Council's standard and the driveway crossing levels as issued by Council upon prior application at Customer Services.

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63. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
64. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

65. For stormwater control, the provision of an interceptor drainage system to capture and convey all stormwater runoff arriving at the subject property from upslope areas to the Council or public drainage system and bypassing any on-site stormwater detention systems. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Council's Stormwater Management Manual. This drainage system is to be designed for storm events up to and including the 100-year ARI. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
66. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench for each dwelling designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

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- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.
- NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.
- NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.
- NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank for each dwelling designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

- NOTE 1: The tank is to be located at or above existing natural ground level.
- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front façade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

67. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
68. Due to the location of the development site near a school, shopping centre or other location of heavy pedestrian generation, the Applicant shall produce a Parking and Delivery Management Plan, demonstrating the following matters for the construction stage:

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site. This should include provision of forward ingress and egress and details of traffic control for the site, and provisions for a flagperson if required to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.

Staging of Works

- a. The Plan must recognise the different stages of the work, including site establishment, excavation, concrete pours and tradesperson and landscaper access, and specify the parking and delivery management requirements of each stage.

The parking and delivery management plan must be submitted to and approved by Council, attention Development Engineer, prior to the commencement of any demolition, land clearing, excavation or construction works. A minimum of two (2) weeks will be required for assessment.

All traffic management measures contained in the approved plan shall be implemented in accordance with the approved plan at the necessary stages. Failure to do so may result in fines and proceedings to stop work.

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The plan must make provision for all construction materials to be stored on site at all times during the works.

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

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

70. A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the 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.

71. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

72. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
73. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
74. For stormwater control and to preserve and enhance the natural and built environment, a Sediment and Erosion Control Plan relating to all areas of the site to be disturbed or affected by earthworks or construction works shall be submitted and approved with the application for a Construction Certificate. The Control Plan shall include all details of measures and

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methods of sediment and erosion control to be adopted, implemented and methods of sediment and erosion control to be adopted, implemented and maintained during the course of development of the site. The Control Plan shall incorporate and disclose:

- a. All details of drainage to protect and drain the site during the construction processes;
- b. All sediment control devices, barriers and the like;
- c. Sedimentation tanks, ponds or the like;
- d. Covering materials and methods;
- e. A schedule and program of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

Tree/Location

Eucalyptus globulus (Tasmanian Bluegum)
Wallace Parade nature strip

Cedrus deodara (Imalayan Cedar)
Adjacent to north-west site boundary

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

Tree/Location

Radius in Metres

Eucalyptus saligna (Sydney Bluegum) 6.0m
Adjacent to north-east (rear) site boundary

77. 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.
78. 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.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

79. 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.
80. Prior to issue of the Final Compliance Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
81. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. 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.

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

82. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate.
83. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

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

84. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Final Compliance Certificate, that:

- The works were carried out and completed in accordance with the approved plans.
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

BUILDING CONDITIONS

85. 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.

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- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

86. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

87. 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:

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- 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.

88. 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.

R Kinninmont
Team Leader, Roseville Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Site and Locality Plan**
 Development Plans
 Landscape Plans

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	56 COWAN ROAD, ST IVES - DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF SEPP 5 DEVELOPMENT CONSISTING OF 6 X 3 BEDROOM UNITS AND BASEMENT PARKING AND STRATA SUBDIVISION
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	1488/03
SUBJECT LAND:	56 Cowan Road, St Ives
APPLICANT:	Home Horizon Pty Ltd, c/o Glendinning Minto & Associates Pty Ltd
OWNER:	T J & S F Orr
DESIGNER:	The Winter Group
PRESENT USE:	Residential - detached dwelling
ZONING:	Residential 2c
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Development Control Code 1/2003 - Housing for Older People & People with a Disability, Development Control Plan No 31 - Access, Development Control Plan No 43 - Parking, Development Control Plan No 40 - Waste Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy 5, State Environmental Planning Policy No 55, Sydney Regional Environmental Plan No 20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	17 November 2003
40 DAY PERIOD EXPIRED:	27 December 2003
PROPOSAL:	Demolition of existing structures and erection of SEPP 5 development consisting of 6 x 3 bedroom units and basement parking and strata subdivision
RECOMMENDATION:	Deferred Commencement Consent

DEVELOPMENT APPLICATION N^o 1488/03
PREMISES: 56 COWAN ROAD, ST IVES
PROPOSAL: DEMOLITION OF EXISTING STRUCTURES
AND ERECTION OF SEPP 5
DEVELOPMENT CONSISTING OF 6 X 3
BEDROOM UNITS AND BASEMENT
PARKING AND STRATA SUBDIVISION
APPLICANT: HOME HORIZON PTY LTD, C/O
GLENDINNING MINTO & ASSOCIATES PTY
LTD
OWNER: T J & S F ORR
DESIGNER: THE WINTER GROUP

PURPOSE FOR REPORT

Determination of Development Application No 1488/03 for demolition of an existing dwelling and associated structures, and erection of a SEPP 5 development consisting of six (6) x three (3) bedroom dwellings and a basement car park and Strata Subdivision.

EXECUTIVE SUMMARY

- The application is for demolition works and erection of a SEPP 5 Development and Strata Subdivision.
- One (1) submission received during notification of the development application.
- The proposed development is satisfactory with respect to the provisions of SEPP 5.
- A variation is sought to Council's SEPP 5 code with respect to the provision of common open space for entertainment purposes.
- Recommendation – Approval, subject to conditions.

HISTORY

The application was submitted on 17 November 2003 and notified in accordance with Clause 61J of the Ku-ring-gai Planning Scheme Ordinance and Council's Notification Policy. During the notification period, one (1) submission was received.

The applicant has lodged an appeal in the Land and Environment Court of New South Wales (LEC) against a deemed refusal of the application. The matter has been set for hearing in Court on 25 May 2004.

THE SITE

Zoning:	Residential 2c
Visual Character Study Category:	1945-1968
Lot Number:	1 and 3
DP Number:	664701 and 20586
Area:	2225m ²

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Frontage	25.91m
Side of Street:	Western
Cross Fall:	North to South
Stormwater Drainage:	To Cowan Road
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No
Section 94 Contributions:	Yes

SITE DESCRIPTION

The subject site is a parcel of land located on the western side of Cowan Road, opposite the intersection of Kanoona Avenue and approximately 100 metres south of the intersection of Killeaton Street. The site is an irregular shaped allotment with a street frontage of 25.91 metres. The allotment is of a dog leg shape and comprises two Lots, 3 and 1, respectively. The two lots are joined with a common section located towards the western end of the site, which has a width of approximately 7 metres.

Both sections of the site are rectangular in shape, with Lot 3 having a width of 25.91 metres and depth of 60.96 metres and Lot 1 a width of 21.335 metres and a length of 30.48 metres.

Lot 3 currently supports a two storey dwelling, detached garages with habitable rooms over and an aviary. Lot 1 comprises an in-ground pool and timber shed with a metal roof. These buildings are to be demolished. Vehicular access is available from Cowan Road. The site has views towards the Pymble Golf Course from Lot 1. There are a number of large canopy trees and shrubs located within the front setback which screen the site from the street.

The site is within close proximity and walking distance to the St Ives Village Shopping Centre.

The adjoining property to north and west, known as No 58 Cowan Road, is a development site with a SEPP 5 development under construction. The adjoining southern site, No 54 Cowan Road, is the subject of another development application for a proposed SEPP 5 development which is currently being considered by Council.

THE PROPOSAL

Is a new front fence part of the proposed development?	Yes
Is a new swimming pool part of the proposed development?	No

The proposal seeks approval for the demolition of the existing dwelling and associated structures and the construction of six (6) x 3 bedroom apartments with car parking provided for each dwelling within a basement car park and Strata Subdivision.

Item 2

The dwellings are contained within two separate buildings, with one building located on Lot 3 (north-eastern portion of the site) containing 4 units and a building located on Lot 1 (south-western portion of the site) containing 2 units.

The development is provided with a minimum setback of 20.5 metres to Cowan Road. Building 1 (located on the northern portion of the site) is provided with a minimum setback of 5.25 metres to the northern boundary, 6.025 metres to the western (rear) boundary and 5.1 metres to the southern boundary. Building 2 (located on the southern portion of the site) is set back 5.0 metres from the northern boundary, up to 1.1 metres to the eastern boundary, 8.35 metres to the southern boundary and 3.2 metres to the western boundary.

Access throughout the development will be achieved by accessible pathways and two lifts.

The proposal is to be constructed of rendered brick with a tiled roof. The design incorporates extended eaves and balconies, with brickwork and stonework to contrast with the rendered walls.

The proposed development includes the following:

Basement car park:	Double car parking space for each unit 1 Visitor space Garbage storage 2 Lifts
Building 1	Ground Floor, Units 1 and 2 First Floor, Units 3 and 4
Building 2	Ground Floor, Unit 5 First Floor, Unit 6

All units comprise the following, with Unit 6 being an adaptable unit: Entry, study, lounge/dining, kitchen, family, 3 bedrooms (main with ensuite), bathroom and laundry.

The proposal also includes an entry gate/arbour, a landscape waiting area with seats and a front fence constructed of 1.8 metres high brick piers with metal infill panels.

A landscape plan has been submitted with the application.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application. The development application was also notified in accordance with Clause 61J of the Ku-ring-gai Planning Scheme Ordinance.

The following comments have been received:

«Comments Received»

A submission has been received from R F and M M Dynon, 54 Cowan Road, St Ives.

Concern that Building 1 is likely to have an adverse impact on the mature English Oak tree located on their northern boundary.

Council's Landscape Development Officer originally had some concerns in relation to the impact of the basement car park upon the English Oak. However, the applicant then revised the setback of the basement car park from the English Oak and Council's Landscape Development Officer has advised that:

Revised setbacks from both the Quercus robur (English Oak) located to the southern site boundary and the Eucalyptus pilularis (Blackbutt) located adjacent to the north-eastern site corner are considered satisfactory as they are outside the critical root zones on the development side.

The eastern setback of Building 2 is insufficient and will unreasonably obstruct the outlook from their property.

Whilst property No 54 enjoys an outlook to the Pymble Golf Course to the south-west across portion of the subject site and the rear of property No 52 Cowan Road, Building 2 is set back 8 metres from its southern boundary, with the ground floor terrace and first floor balcony set back 6 metres from the southern boundary. The above setbacks will allow a reasonable view through to the golf course from the neighbour's property.

No 54 Cowan Road is the subject of a SEPP 5 development proposal, which includes a building comprising 4 units, proposed to be located between the subject Building 2 and the existing cottage at No 54 Cowan Road. The proposed development at the rear of the cottage at No 54 Cowan Road would remove any outlook to the golf course from the cottage.

The height and bulk of Building 2 are excessive and will have an overbearing visual effect on the western aspect of their property.

Building 2 will not have an adverse visual impact upon property No 54 Cowan Road as it has a maximum ceiling height of 7 metres above the existing ground level, (6.7 metres above the existing ground level located adjacent to the rear of No 54), a stepped hipped roof design, which minimises roof bulk and a setback which ranges from 3 metres to 3.73 metres for the majority of the eastern side of the proposal.

Reduced solar access to their swimming pool and recreation areas which are orientated to the west.

The proposal allows a minimum of three hours of sunshine to the pool area during the winter solstice on 22 June. The neighbour's swimming pool is proposed to be demolished as part of the development proposed at No 54.

Inadequate landscaping on eastern side of the building

This is addressed later in the report under Consultation within Council.

Overlooking from second storey windows to swimming pool and backyard.

The eastern windows of Bedrooms 2 and 3 of Unit 6 have potential to overlook the rear yard and pool area of No 54 Cowan Road, however, the bedrooms are of low use compared to other living rooms, are set back 3.8 metres from the eastern boundary, are screened by trees proposed to 8 metres in height and, consequently, the likely privacy impact is considered to be acceptable.

CONSULTATION - WITHIN COUNCIL

Landscape Development Officer

The Site

It is proposed to demolish the existing dwelling and associated structures on site and construct a six unit SEPP5 development on the existing irregular shaped site of 2 225.2sqm with vehicular access from Cowan Rd. The site is characterised by established trees and shrubs within formal garden beds and lawn areas. Planting is predominantly made up of exotic species beneath an overhead canopy of native tree species. The site is dominated by mature native trees predominantly located adjacent to the northern site boundary in the neighbouring property. The rear portion of the site overlooks Pymble Golf Course. There is a double storey brick and tile dwelling and other associated structures located on site.

Site condition - landscape

The existing landscape is in good condition and has been well maintained although recently altered to accommodate previous development works (garage, workshop and residence). The garden has a formal character with distinct tiers of planting beneath an overhead canopy of native tree species.

Impacts on trees

*The proposed development has taken into consideration the location of existing trees and has maintained generous setbacks to minimise any adverse impacts. Revised setbacks from both the *Quercus robur* (English Oak) located adjacent to the southern site boundary and the *Eucalyptus pilularis* (Blackbutt) located adjacent to the north eastern site corner are considered satisfactory as they are outside of the Critical root zones on the development side. It will be required that ANY drainage works be strapped/attached to the outside of the retaining wall to further reduce the impacts of development/excavation on the Oaks root system.*

*Other impacts on existing trees to be retained include the location of proposed drainage pipes. These can be resolved by conditions requiring the relocation of pipes away from the existing trees. The proposed driveway entry will result in the potential removal of the existing *Liquidambar styraciflua* (Sweet Gum) located adjacent to the eastern (front) site boundary. The tree is presently exempt under council's Tree Preservation Order as it is below 15.0m in height. Discussions with the applicant reveal that they wish to retain the tree, which is*

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preferred, but given the amount of construction to occur within the immediate vicinity of its root system the tree could be heavily impacted upon. There is no objection to the trees removal.

Drainage works

As stated above, the location of some drainage pipes conflict with the retention of existing trees. It is required that the proposed stormwater pipes beneath the canopy drip line of the Quercus robur (English Oak) located adjacent to the southern site boundary in the neighbouring property be strapped or attached to the outside of the proposed retaining wall for the basement garage. This will reduce the need for excavation and maximise the undisturbed area within the rootball. It is also required that the pump line from the basement be located so as NOT to be located within the critical root zone of the Eucalyptus pilularis (Blackbutt).

Landscape Plan

The landscape plan utilises 'Leighton's Green' Cypress adjacent to the southern site boundary and eastern site boundary at the rear. This is unacceptable and cannot be supported. Given the eventual height of this species and the density of the foliage, if left to grow without regular pruning and maintenance, will result in the heritage property at No.54 Cowan Rd being deprived of its northern light. It is required that the 'Leighton's Green' Cypress be substituted for another plant species that will grow to a maximum height of 3.5m. This requirement can be conditioned as part of the development approval.

Subject to the exclusion zone around the Quercus robur (English Oak) and Eucalyptus pilularis (Blackbutt) being maintained outside the critical root zones and the substitution of the 'Leighton's Green' Cypress for another plant species the application can be supported with conditions.

Development Control Engineer

Council's Development Control Engineer has advised that the application is generally supported subject to conditions and the applicant demonstrating the following:

- Either an easement is available for runoff from Lot 1 to be conveyed to the public drainage system within the Pymble Golf Club.*
- By analysis of the Kanoona Street drainage system as far as Memorial Avenue, the proposed additional inflow from the subject property, including Lot 1, can be accommodated without exceeding the capacity of the system as required by Council's Stormwater Management Manual; or*
- Site discharge for storms up to 50 year ARI can be restricted to the permissible site discharge from the area which drains naturally to the Kanoona Street drainage system, by providing a larger detention storage volume, with overflows for storms up to 100 year ARI safely conveyed to the public drainage system as street flows are required by Council's Stormwater Management Manual.*

Urban Design and Heritage Consultant

Council's Urban Design and Heritage Consultant concludes that;

The two-storey building at the rear portion of the site is too close to the western boundary of the listed property. This part of the development should be reduced in size in plan and section. The underground car park comes too close to the western and northern boundaries of No 54. An effective barrier of trees and shrubs should be provided between the new building and the heritage item in order to minimize the visual impact of the development on the item's setting.

Privacy conflicts within the development need to be addressed. More detail of the large columns should be provided, the design of these may need to be revised.

Whilst a portion of the rear building (a length of 7.8 metres comprising the lift and stairwell) will be up to 1.1 metres from the western rear boundary of No 54, the majority of the proposal in that location has acceptable setbacks of 2 metres, 3.2 metres and 3.7 metres, and, together with reasonable articulation and landscaping is considered to be an acceptable impact upon the listed building. Should the development at No 54 Cowan Road be approved, this proposal would be separated by the new development at No 54.

Council's Landscape Development Officer supports the proposal, particularly as the basement garage has been revised to accommodate the existing significant trees.

Suitable conditions have been included in the recommendation in relation to the privacy concerns of bedroom and study windows of Units 1 and 2 and the provision of more detail for the large columns proposed as architectural elements.

CONSULTATION – OUTSIDE COUNCIL

Road and Traffic Authority

"I refer to your letter of 3 December 2003 with regard to the subject development application (Council Reference: DA 1488/03), which was referred to the Roads and Traffic Authority (RTA) for comments on the likely impacts of the traffic generation associated with the proposed development.

The RTA advises that no objection is raised to the submitted development application as the traffic generation associated with the proposed development will have minimal impact on the adjacent classified road network.

The RTA recommends that the development application be referred to Council's Local Traffic Committee (LTC) to determine the impact of the proposed development on the local road network."

Council's Development Control Engineer has advised that the proposal should not be referred to the Traffic Committee due to the small number of units proposed, six units in this case.

PROVISIONS OF RELEVANT LEGISLATION**The Environmental Planning & Assessment Amendment Act 1979
Section 79C****1. Environmental Planning Instruments**

This application requires development consent under State Environmental Planning Policy No 5.

State Environmental Planning Policy No. 5 (SEPP 5)

Clause 11 of SEPP 5 states that development may be carried out only with development consent unless another planning instrument allows the development without consent. The proposed development requires the consent of Council pursuant to the provisions of Ku-ring-gai Planning Scheme Ordinance.

Clauses 12 and 13 of SEPP 5 require Council to be satisfied that certain development standards and provisions have been complied with. Compliance with the standards and provisions is indicated in the table below.

Clause	Standard	Compliance
Clause 12(1), (2)	Access to shops, banks, other retail and commercial services, community services and recreation facilities and the practice of a general medical practitioner (written evidence required)	Yes. Detailed evidence is provided in the Access Report submitted with the development application.
Clause 12(2A)	Reasonable access to home delivered meals, personal care and home nursing and assistance with housework.	Yes. Various support services are available in the Ku-ring-gai area. They relate to delivered meals, housework assistance, personal care, home nursing, health and rehabilitation, home library services, and transport services. A list of services is provided in the Statement of Environmental Effects.
Clause 12(3)	Availability of facilities and services when housing is ready for occupation.	Yes. The required services mentioned above are presently available.
Clause 12(4)	Water and sewer	Yes.
Clause 13(1), (2)	Maximum height of 8 metres or less. A building adjacent to a	Yes. The maximum height from the natural ground level to the upper ceiling of the topmost

Clause	Standard	Compliance
	boundary of the site must not be more than 2 storeys in height	storey will be 6.7m.
Clause 13(1), (3)	Site frontage of at least 15 metres width	Yes. The site has a frontage of 25.91m.

Clause 13A lists development standards specifically relating to access and useability. The standards must be complied with before development consent can be granted. A summary of compliances with the standards is indicated in the table below.

Clause	Standard	Compliance
Clause 13A(2)(a) Wheelchair access	100% of dwellings have access to public road or internal road/driveway OR 50% where internal gradient exceeds 1:10	Yes. Detailed evidence submitted in the Access Report submitted with the Development Application.
Clause 13A(2)(b)	10% of dwellings satisfying Clause 13A(2)(a) to have wheelchair access to a public road	Yes. (As discussed above)
Clause 13A(2)(c)	Wheelchair access to be available to all common areas and facilities associated with the development	Yes. There are no common areas except for the driveway, letterboxes, visitor parking, landscaped area to the front of the site. Wheelchair access will be provided to these areas.
Clause 13A(2)(d)	10% of dwellings satisfying clause 13A(2)(a) to have wheelchair access to essential areas in the dwelling (adaptable)	Yes.
Clause 13A(3)	Street signage	N/A. The site only fronts one road.
Clause 13A(4)	Security Lighting	Yes. The access report indicates the provision of low-level pathway lighting on the entrance pathways to the entry foyers and individual units.
Clause 13A(5)	Letterboxes	Yes. The submitted plans indicate that letterboxes will all be provided in a central location, adjacent to the street entry. The Access report indicates that the pathway adjacent to the letter boxes will provide adequate wheelchair access.
Clause 13A(6)	Car parking dimensions	Yes. All car spaces (including

Clause	Standard	Compliance
	regarding size, clearance and garage door.	garages and visitor spaces) have dimensions equal to or greater than 6m x 3.2m. The minimum headroom clearance over car spaces will be a minimum of 2.5m.
Clause 13A(7)	Accessible entry	Yes , subject to a condition to ensure that every entry does not have a slope that exceeds 1:40, complies with clauses 4.3.1 and 4.3.2 of AS 4299 and has an entry door handle and other hardware that complies with AS 1428.
Clause 13A(8)	Key access	Yes. The Statement of Environmental Effects indicates that all external doors to a unit will be keyed alike (as required). To ensure this a condition of consent is recommended.
Clause 13A(9)	Interior doors standard	Yes. The plans and access report indicate that internal corridors will have the required clearance and widths.
Clause 13A(10)	Living room and dining room	Yes. The access report indicates the living/dining rooms have been designed with sufficient area for circulation as required by SEPP 5.
Clause 13A(11)	Kitchen standards	The plans and access report indicate the kitchens will meet the floor area and general kitchen layout requirements.
Clause 13A(12)	Main bedroom standards	Yes. The plans and access report indicate that each unit has a main bedroom of a sufficient area to accommodate a wardrobe, queen size bed and 1.2m clear area.
Clause 13A(13) and (14)	Bathroom standards and accessible toilet	Yes , subject to a condition to ensure compliance with matters (c) to (h) of sub-clause (13) and full compliance with the requirements of the sub-clause (14). The Access Report indicates that each unit will consist of a bathroom and toilet that complies with the general area requirements of AS 1428.

Clause	Standard	Compliance
Clause 13A(15)	Access to kitchen, main bedroom, bathroom and toilet	N/A. The units proposed are single storey.
Clause 13A(16)	Laundry standards	Yes. The plans indicate that the laundry in each unit will be accessible and have an accessible path of travel to a private open space.
Clause 13A(17)	Storage standards	Yes. The plans indicate the provision of a linen cupboard within each unit as well as separate storage areas for units within the basement level.
Clause 13A(18)	Door handles	Yes.
Clause 13A(19)	Surface finishes	Yes.
Clause 13A(20)	Ancillary items	Yes.
Clause 13A(21)	Outside Garbage Storage	No. The applicant has submitted a SEPP 1 objection to this provision which is supported. The SEPP 1 objection is discussed later in the report.
Clause 13A(22)	Public housing provision	Not applicable because the development is being carried out as a private development.

Clause 14 of SEPP 5 lists development standards that cannot be used as grounds for refusal of a development application if compliance is achieved with these standards. A summary of proposals compliances with the standards is indicated in the table below.

Clause	Standard	Proposed	Compliance
Clause 14(a) Building Height	8 metres or less in height	The maximum height of the proposed building from the natural ground level to the upper ceiling of the topmost storey will be 6.7m.	Yes
Clause 14(b) Density and Scale	Floor space ratio of 0.5:1	0.504:1	No
Clause 14(c) Landscaped Area	Landscaped area of 35sqm per dwelling (6 x 35m ² = 210m ²)	Total landscaped area of 1217.839m ² , ie. 202.9m ² per unit.	Yes
Clause 14(d) Parking	0.5 spaces per bedroom. Nb: Studies are treated as bedrooms. Each unit	12 resident spaces 1 visitor	Yes

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	contains 3 bedrooms, therefore $6 \times 3 = 18$. $18 \times 0.5 = 9$		
Clause 14(e) Visitor Parking	Not required where development is for less than 8 units.	One (1) spaces are proposed within the basement.	Yes
Clause 14(f) Landscaped Areas	Area which is not built upon, paved or otherwise sealed having soil of sufficient depth to support the growth of trees and shrubs on an area of width $\times 15\%$ of length = 291.33m^2	The applicant's plans indicate the soft landscaping area suitable for deep soil planting equals 686.38m^2 , which meets the requirements of the SEPP.	Yes
Clause 14(g) Private open space	15sqm for dwellings at ground level with an area of $3\text{m} \times 3\text{m}$ Balcony with area not less than 6sqm with width not less than 1.8m and accessible from a living area.	All units consist of a private open space in excess of the minimum area and dimension requirements.	Yes

The applicant has lodged a SEPP 1 objection to the development standards in Clause 13A(21) of SEPP 5, which requires the provision of an outside garbage storage area that is accessible, as follows:

"This objection is made pursuant to the provisions of Clause 6 of SEPP No 1. In this regard it is requested that Council support a variation to the development standard as provided by Clause 13A (21) of SEPP No 5.

Is the control to be varied a development standard?

Clause 13A (21) provides that a consent authority must not consent to a development application unless it complies with the standards as specified in this Clause.

Clause 13A (21) provides,

"Garbage - An outside garbage storage area must be provided in an accessible location."

What is the underlying objective or purpose of the development standard?

The objectives of the garbage standard in Clause 13(19) of SEPP No 5 are not expressed but are assumed to be:

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- a. *To ensure good design and a design that is compatible with residential development in the locality.*
- b. *To ensure that the garbage storage area is located outside the residential area of the development in a convenient and accessible location.*
- c. *To avoid multiple garbage collection points in highly visible areas.*
- d. *To protect the health and amenity of occupants of the development.*
- e. *To be located to provide effective collection of waste receptacles.*

Is compliance with the development standard consistent with the aim of SEPP No 1?

The aim of SEPP No 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

In this regard the objects of Section 5(a)(i) and (ii) of the Act are:

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land;*

In this regard it is considered that the proposal is consistent with the aim of SEPP No 1.

Why compliance with the Standard is unreasonable and unnecessary in the circumstances?

- *The proposal meets the objectives of the SEPP as it will not materially impact upon development on adjoining properties or the street.*
- *The proposed garbage room is provided in the basement level which is accessible by a continuous path of travel via the proposed lift which serves the development. It is outside the residential part of the development (being contained within the basement level).*
- *The location of the garbage storage area within the basement is consistent with accepted practice and the requirements of Ku-ring-gai Council.*

Conclusion

It is submitted that it would be both unreasonable and unnecessary for strict compliance with this standard to be required in this case for the abovementioned reasons. The garbage storage area is located outside the residential area in a convenient and accessible location. Therefore it is respectfully requested that the Council support the variation of the development standard as proposed”.

Whilst there are no objectives for this standard in SEPP 5, it is considered that its purpose is to ensure the provision of garbage storage occurs in a manner that affords easy access to all residents of the development. The proposed location as shown on the amended basement plan (which is an attachment to this report) allows easy access and also allows for access without leaving the building, thereby enabling easier access for potentially frail or disabled persons without exposure to the weather in inclement conditions. As such, the SEPP 1 objection is considered to be well founded and is supported as it had demonstrated that strict application of the standard is unreasonable and unnecessary in this instance.

Council’s Development Control Engineer has recommended through Condition No 55 that, in order to allow unrestricted off street access by Council’s waste collection vehicles to the site, garbage facilities (no doors or gates) are to be provided in the driveway which would block access to this location.

The proposal has a floor space ratio of 0.504:1, which results in 10m² of floor space in excess of the 0.5:1 density standard in clause 14(b)(i) of SEPP 5. The provisions of this clause do not impose any limitations on the grounds on which Council may grant development consent. Rather, Clause 14 provides standards for which the consent authority must not refuse consent of an application if compliance with the standard is achieved. The additional 10m² of floor space over the floor space ratio provision is considered to be insignificant, and, is acceptable in the circumstances.

Clause 24 of SEPP 5 requires a site analysis be carried out and submitted to the consent authority. A site analysis has been submitted. This analysis, together with other documentation of the development application, provides all the necessary information for assessment purposes under Clause 25 of SEPP 5.

Clause 25 of SEPP 5 requires that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles:

a. Neighbourhood amenity and streetscape

The proposed development will have minimal impact upon the streetscape given the following:

1. The proposal is provided with a minimum setback of 20.5 metres from the front boundary, retains the existing canopy trees and shrubs within the front setback. Consequently the proposal will be substantially screened when viewed from the street.

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2. The overall increase in height will be minimal. The height, bulk and scale of the development will be sympathetic to that of surrounding development.
3. Ensuring vegetation of the site will create an appropriate balance between built forms and natural features, and, provide an emphasis of the importance of vegetation as main feature of the streetscape.

Council's Heritage and Urban Design consultant has advised that the proposal will be in keeping with the character of the street.

b. Visual and acoustic privacy

The privacy of three properties is potentially affected, being Nos 52, 54 and 58 Cowan Road.

With respect to No 52 Cowan Road, Units 5 and 6 have potential to overlook the western, rear portion of the rear yard, however, the ground floor southern terrace of Unit 5 and the first floor southern balcony of Unit 6 are orientated to the south-west towards the golf course and together with the proposed landscape screening up to 4 metres in height to be located along the southern boundary, Units 5 and 6 do not impose privacy concerns upon No 52 Cowan Road.

With respect to No 54 Cowan Road, Level 1 southern balconies of Units 3 and 4 have potential to overlook the rear yard, however, the balconies are set back 4 metres from the southern site boundary and the applicant has now provided a revised plan that includes planter boxes along the southern side of the balconies in question. The planter boxes, together with existing and proposed plant screening will not pose a privacy concern.

Bedrooms 2 and 3 of Units 5 and 6 have potential to overlook the rear yard of No 54 Cowan Road, however, the relative low use of the bedrooms together with the proposed tree planting and landscape screening proposed along that portion of the site will not pose a privacy concern.

In relation to No 58 Cowan Road, Units 5 and 6 have potential to impact upon the privacy of Units 2 and 5, which are in the process of construction. Notwithstanding the above, the privacy of the adjoining Unit 5 at 58 Cowan Road will not be adversely impacted upon due to the proposed screen planting located along the western side of the terrace of Unit 5. Similarly, the proposed southern terrace, located off the family room of Unit 6, is not likely to have a privacy concern in relation to the adjoining Unit 5 (under construction) due to a separation of approximately 12 metres, together with the proposed planter box located along the eastern and southern sides of the southern terrace of Unit 5 and will not impact adversely upon the southern terrace of Unit 2 of No 58 Cowan Road due to the separation of 12 metres between the two balconies and the roof parapet located along the eastern side of Unit No 2.

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In relation to site planning, an internal footpath passes within 2 metres of the bedroom and study windows of Units 1 and 2. A screen should be provided along the path to avoid overlooking. A suitable condition has been included in the recommendation, see Condition No 41.

c. Solar access and design for climate

All units have living areas with northern orientation. This will ensure that an adequate amount of sunlight will be maintained during the winter period. The proposed building will be sufficiently set back from the boundaries and be of a height that will allow a minimum of 4 hours of solar access to the living areas and private open spaces of neighbouring properties during the winter solstice on 22 June.

Accordingly, the proposed development will satisfy the solar access requirements of SEPP 5.

d. Stormwater

The submitted concept hydraulic plans indicate that stormwater will be collected in an on-site detention system and drained to Cowan Road. Council's Development Control Engineer supports the proposal, subject to the design and documentation demonstrating:

- an easement is available for runoff from Lot 1 to be conveyed to the public drainage system within the Pymble Golf Club; or
- by analysis of the Kanoona Street drainage system as far as Memorial Avenue, the proposed additional inflow from the subject property, including Lot 1, can be accommodated without exceeding the capacity of the system as required by Council's Stormwater Management Manual; or
- site discharge for storms up to 50 year ARI can be restricted to the permissible site discharge from the area which drains naturally to the Kanoona Street drainage system, by providing a larger detention storage volume, with overflows for storms up to 100 year ARI safely conveyed to the public drainage system as sheet flows as required by Council's Stormwater Management Manual.

Subject to the above being satisfied (Condition No 1, Schedule A), the proposed development is satisfactory with respect to the stormwater provisions of SEPP 5.

e. Crime Prevention

The proposed satisfies the provisions of SEPP 5 as general observation of the site and the approaches to the dwellings' entries are allowed, shared entries that serve a small number of dwellings are available and the dwellings are designed to allow residents to see who approaches their dwelling without the need to open the door.

f. Accessibility

The proposed development, subject to conditions recommended by Council's Development Engineer, will result in convenient, obvious and safety pedestrian and wheelchair access from the site to local facilities and services, including transport and facilities.

The development will provide an attractive and safe environment for pedestrians and visitors with convenient access and parking facilities and will provide access for people with a disability on one continuous path of travel to on-site facilities such as parking, lift, mailbox and common areas.

g. Waste Management

A garbage storage room is located within the parking area, which is accessible from all dwellings. This area is also appropriate for the storage of recycling material.

State Environmental Planning Policy No 55 - Remediation of Land

Under Clause 7 of SEPP 55 a consent authority must not grant approval to any development on land unless it has considered whether the land is contaminated, and if contaminated, it is satisfied the land is suitable in its contaminated or remediated state for the purpose for which development is proposed.

There is no evidence to suggest any potential contamination of the site given the following factors:

1. The subject site and adjoining properties are currently used for residential purposes;
2. The subject site and surrounding land were not previously zoned for industrial or defence purposes; and
3. The subject site and surrounding properties have not been previously used by any potentially contaminating land uses or involved activities that may have posed a threat of contamination.

Accordingly, the site is considered to be suitable in its present state for the proposed residential development.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

The site is within the catchment of the Hawkesbury River and, as such, is subject to the provisions of this environmental planning instrument. The aim of the SREP is to

“protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”

The SREP requires consideration of a number of matters such as water quality, water quantity, flora and fauna, wetlands and heritage etc.

The proposed development is considered to meet the general strategies of the SREP, however Clause 6 (4) sets out strategies for water quantity whereby the reuse of water is encouraged where possible. Accordingly, rainwater tanks or similar should be incorporated in the proposed development to enable the reuse of stormwater for irrigation purposes. An appropriate condition is recommended.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The site is zoned Residential 2(c) under the provisions of Ku-ring-gai Planning Scheme Ordinance and the erection of a residential flat building (as the development is defined pursuant to the KPSO) is prohibited within the zone. However, the provisions of SEPP 5 override the controls of KPSO and the proposed SEPP 5 development is permissible pursuant to that plan.

The provisions of Clause 33 require consideration of the aesthetic appearance of development adjacent to areas of open space and is applicable in this instance given the adjacent golf course.

The design as it faces the golf course is suitable in terms of bulk scale and articulation and, as such, the provisions of this clause are satisfied by the proposal.

The provisions of Clause 38B do not allow consent to be granted for development unless a water supply is provided to the development and a suitable drainage system can be provided for the development. The site currently has a water supply and the proposed drainage system has been assessed as being suitable by Council's Development Control Engineer, subject to conditions.

Schedule 9 contains general aims and specific objectives for the Ordinance in relation to residential zones, including the Residential 2(c) zone. These aims and objectives would apply to the development to the extent that they are not inconsistent with the provisions of SEPP 5.

The aims require development to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones and permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.

The development is considered to be sympathetic to and harmonious with adjoining development in relation to architectural design, height, scale and bulk. The proposal is considered to maintain the existing amenity and residential character of the locality to an appropriate degree as has been discussed previously in this report in relation to privacy and shadowing.

Item 2

The relevant objectives require development to maintain reasonable solar access to neighbour's living areas and recreation spaces at specified times, to be sited to minimise loss of privacy, encourage the replacement of tree cover, maintain a reasonable proportion of soft landscaping, be of appropriate size, bulk and scale, be of appropriate architectural character and provide for appropriate vehicular egress. The proposal is considered to be appropriate in relation to the objectives as has been discussed throughout the report.

Development Control Code 1/2003 - Housing for Older People or People with a Disability

Council's Code includes reference to the statutory development standards of SEPP 5 in relation to height, density, landscaped area and parking. The Code also provides supplementary guidelines considered by Council to be more appropriate and specific to the Ku-ring-gai local government area. However, where the standards of the Code are inconsistent with the standards of SEPP 5, the provisions of SEPP 5 prevail to the extent of the inconsistency.

The following table presents an analysis of the development against the provisions of Council's Code:

Provision	Proposed	Compliance
Zoning	Residential "C"	
400m to local shops	Site is located within 400m of St Ives Shopping Precinct. Bus facilities are located 250m from the site that would provide convenient access to the facilities.	Yes
250m to public transport	Bus stops are located within 250m.	Yes
Noise attenuation	The building and private open spaces will be well setback from Cowan Road. Ensuing landscaping and fencing will provide appropriate shielding from traffic noise of Cowan Road	Yes
Site analysis required	Matter addressed in SEPP 5 assessment	Yes
SEPP 5 development standards	Matter addressed in SEPP 5 assessment	Yes
Sympathetic design	Matter addressed in SEPP 5 assessment	Yes
Buildings to address street	Matter addressed in SEPP 5 assessment	Yes
Minimise visual impact of driveway	The development consists of a new driveway that will lead to the basement carpark. The existing driveway will be removed and verge area re-instated. Vegetation will be provided to each side of the driveway, to soften its visual impact on the streetscape.	Yes
No bland building facades	Yes, The elevations of the proposed	Yes

Provision	Proposed	Compliance
	development will be appropriately articulated and provide visual interest.	
Emphasis entry	The entrances to the building will be emphasised by the main pathway and provision of a portico structure at the entrance.	Yes
Match setbacks	The front setbacks have been designed to be sympathetic to the setbacks of surrounding buildings and closely match that of the existing dwelling of the site.	Yes
1.8m high front wall to Cowan Road and front gardens	A stepped and splayed wall is proposed to the front boundary. Planting proposed behind the wall will soften its appearance. This would assist in minimising its dominance and creating visual interest.	Yes
Level private open spaces	Subject to the provision of threshold ramps to first level balconies, each dwelling will consist of a paved private open space that will be easily accessible from living areas.	Yes
1.8 metre courtyard fences	Courtyard walls are to be provided. A condition is recommended to ensure their height does not exceed 1.8m.	Yes
Living areas linked to private open space	Private open spaces are directly linked to the main internal living areas of their respective dwellings.	Yes
Common open space	Each unit will be provided with an ample amount of private open space for the entertainment of visitors and friends and therefore a common open space for entertainment is not necessitated in this case.	No
Landscaping to enhance and screen	Subject to conditions discussed previously, appropriate screen planting will be provided. Vegetation will consist of a variety of species that will be consistent with the established character of the area.	Yes
Significant trees	This matter is addressed in the section of this report titled "Consultation within Council".	Yes
Car parking to meet demand	The numbers of car parking spaces proposed meet the requirements of SEPP 5.	Yes

Provision	Proposed	Compliance
Energy efficiency	Dwellings and private open space are well orientated to enable adequate ambient light and sunlight penetration.	Yes
Privacy	This matter has been addressed within the SEPP 5 assessment.	Yes
Lighting	This matter has been addressed in the SEPP 5 assessment.	Yes
Waste collection	This matter has been addressed by in the SEPP 5 assessment.	Yes
Safety and Security	This matter has been addressed by in the SEPP 5 assessment.	Yes
Letterboxes, TV antenna, services, house numbers	Letterboxes will be provided adjacent to the main pedestrian entry. A condition is recommended to ensure they are lockable. A condition is also recommended to require the provision of one master tv antenna, underground power lines to the satisfaction of Energy Australia, telephone lines to the satisfaction of Telstra, and numbering of units and the building.	Yes
Waiting seat / bus shelter	An entry porch with seating will be provided to the front of the site.	Yes
Covered entry porch	All main entry doors to units are internal to the building. Main entrances to the proposed lobbies will consist of entry porticos.	Yes
Security Screen	A condition is recommended to ensure a security fly-screen door is provided to the main entry door of each unit.	Yes
Internal space location, wall length, hobby space and eating areas	All dwellings are of generous size to accommodate a range of residential activities.	Yes
Bedroom design	All dwellings are provided with a large bedroom with access to a bathroom.	Yes
10% adaptable housing	This matter is addressed in the SEPP 5 assessment.	Yes
Support services	Support services are available to the proposed development depending on the needs of the likely occupants.	Yes

The above table indicates that the proposed development will adequately address the requirements of Council's SEPP 5 Code, subject to appropriate conditions. Notwithstanding the above, whilst an area of "Common Open Space" has not been provided, each unit will be provided with an ample amount of private open space for the

entertainment of visitors and friends and therefore a common open space for entertainment or a meeting is not necessitated in this case.

Development Control Plan No 31 - Access (DCP No 31)

The proposed development is satisfactory with respect to the prevailing access provisions of SEPP 5. The access provisions have been discussed in the above section entitled '*State Environmental Planning Policy No. 5*'.

Development Control Plan No 40 - Waste Management (DCP 40)

DCP 40 requires an internal collection area for developments consisting of six or more units. An internal garbage storage area is proposed and, subject to conditions, will satisfy the provisions of DCP 40. Accordingly, garbage trucks would be able to conveniently access the site, collect waste, and leave in a forward direction. In this regard, the proposed development would satisfactorily address the provisions of DCP 40.

Development Control Plan No 43 - Car Parking (DCP 43)

Council's car parking DCP requires 9 resident car spaces and 2 visitor spaces.

SEPP 5 overrides Council's car parking DCP in terms of dimensions and numbers of car spaces. The proposed development will provide for 12 resident car spaces and 1 visitor space, which complies with the requirements of SEPP 5. Whilst the total number of car spaces required by the DCP is exceeded by 2, only 1 visitor space is proposed. Consequently, the proposed development will be satisfactory in terms of its statutory obligations.

2. Likely Impacts

The proposal is unlikely to have an adverse impact on any threatened species, ecological communities, or any other protected flora or fauna. The site is not within a wilderness area or an area of critical habit.

The proposed development would be compatible with the existing and desired residential character of Cowan Road. The setbacks of the proposed development will enable significant planting to soften the appearance proposed development to the streetscape, ensure the replacement of the existing landscaped character of the site.

The development has also been designed to ensure that an appropriate level of amenity will be provided to future residents and neighbours.

The building and proposed setbacks will ensure that adjoining properties will not be unduly overshadowed and will enjoy a reasonable level of privacy (acoustic and visual).

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Appropriate control measures will be required during demolition, excavation and construction to safeguard the amenity of the surrounding residents and general public. Appropriate conditions are recommended in this regard.

3. Suitability of the Site

The site is zoned Residential "C" and the proposed development is permissible with consent under the provisions of SEPP 5. The site is not environmentally sensitive. The site is not subject to natural hazards such as flooding, bushfire, land contamination, tidal inundation, slip, mass movement or subsidence.

There are no prohibitive constraints posed by adjacent developments. The proposed development will be compatible with existing land uses in the vicinity.

Appropriate utilities and services will be made available to the development.

The site is in close proximity to public transport services and the St Ives shopping village that offers the necessary support services and facilities and various recreational opportunities.

Given the above, the site is considered suitable for the proposed development.

4. Any Submissions

The submissions received in response to the proposed development have been discussed previously in this report. Conditions have been recommended to address the well-founded concerns raised. The issues raised have been categorised and addressed within the "Consultation with Community" section of this report.

5. Public Interest

The aims of SEPP 5 include the provision of housing that will increase the supply and diversity of housing that meets the needs of older people or people with a disability, make efficient use of existing infrastructure and be of a good design.

Until Council obtains an exemption from SEPP 5 applications must be assessed objectively under the provisions of the SEPP. The proposal is considered to be in the public interest.

Any other Relevant Matters Considerations Not Already Addressed

A condition of consent is recommended to require the payment of the applicable Section 94 Contribution rate prior to the issue of a construction certificate.

CONCLUSION

Item 2

The proposed development is of good design, appropriately located and will afford a good level of amenity for its future residents. The proposed side and significant front setbacks allow for an appropriate landscaped setting and result in acceptable shadow impacts.

The development will maintain a reasonable degree of privacy for adjoining properties and for the future occupants of the development.

The proposal is consistent with the requirements and objectives of SEPP 5 and accordingly is recommended for approval, subject to conditions.

RECOMMENDATION

That Development Application No 1488/03 for the demolition of existing structures, the construction of a SEPP 5 development comprising six (6) dwellings and Strata Subdivision on Lots 1 and 3, DP's 664701 and 20586, 56 Cowan Road, St Ives, be granted deferred commencement consent, subject to the following conditions:

SCHEDULE A

1. Further information in the form of an amended stormwater drainage design is to be submitted to Council and approved prior to the operation of the consent. The design and documentation are to demonstrate that:
 - an easement is available for runoff from Lot 1 to be conveyed to the public drainage system within the Pymble Golf Club; or
 - by analysis of the Kanoona Street drainage system as far as Memorial Avenue, the proposed additional inflow from the subject property, including Lot 1, can be accommodated without exceeding the capacity of the system as required by Council's Stormwater Management Manual; or
 - site discharge for storms up to 50 year ARI can be restricted to the permissible site discharge from the area which drains naturally to the Kanoona Street drainage system, by providing a larger detention storage volume, with overflows for storms up to 100 year ARI safely conveyed to the public drainage system as sheet flows as required by Council's Stormwater Management Manual.

The matters referred to in Schedule A must be completed to Council's satisfaction within two years from the date of this deferred commencement approval. The consent will not become operable until Council has confirmed in writing that the conditions in Schedule A have been satisfied and then comes operable subject to the conditions in Schedule B.

SCHEDULE B

GENERAL CONDITIONS

Item 2

1. The development to be in accordance with Development Application No 1488/03 and Development Application plans prepared by The Winter Group, Drawing Nos 20315/DA01, 20315/DA03, 20315/DA05, 20315/DA06 Revision A, 20315/DA02 Revision D and 20315/DA04 Revision C dated October 2003, March 2004, and lodged with Council on 17 November 2003 and 16 March 2004, as amended by conditions of this consent.
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 a 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.

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9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. 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.
11. 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.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. 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.
14. 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.

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15. 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.
16. 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.

17. The fence and footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. 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.
22. 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.

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23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. 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.
25. 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.
26. 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.
27. 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.
28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
29. Fire hoses are to be maintained on site during the course of demolition.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.

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33. 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:
- stating that unauthorised entry to the work site is prohibited, and
 - 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:

- building work carried out inside an existing building, or
 - 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.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
- People 55 or over or people who have a disability;
 - People who live with people 55 or over or people who have a disability;
 - Staff employed to assist in the administration of and provision of services to housing provided in this development.
36. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
37. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
38. The landscape ponds having a maximum water depth of 300mm for safety.
39. The garbage collection area shall allow a Council truck to enter the site, access the garbage collection area and leave the site in a forward direction.
40. The courtyard fences having a maximum height of 1.8 metres.
41. A 1.8m high screen being located adjacent to the pathway to preserve the privacy of the bedroom and study windows of units 1 and 2.
42. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system or to an interallotment

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drainage easement, depending on the results of amended design submitted to satisfy Schedule A of this consent.

43. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with the amended stormwater drainage design submitted to satisfy Schedule A of this consent. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

NOTE 2: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 3: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

44. For stormwater control all balconies are to be drained to the main drainage system via outlets fitted with raised leaf guards.
45. For stormwater control all paved areas are to be drained to the main drainage system.
46. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the designed conditions.
47. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
48. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

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Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 *“Traffic Control Devices for Work on Roads”*.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

49. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
50. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
51. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
52. The entry driveway is to be widened to 5.5 metres for 6 metres from the frontage roadway, in accordance with the requirements of AS2890.1-1993.
53. Garages 3 and 4 are to be widened to 6.4 metres internal width to comply with SEPP 5 Clause 13A(6).
54. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
55. In order to allow unrestricted access by Council’s waste collection vehicles to the basement carpark area, no doors or gates are to be provided in the access driveway(s) to the basement carpark.

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56. In order to provide for carwashing, a section of the basement carpark, which may include one of the visitor spaces, is to be designed as a carwashing bay. This bay is to provide a water tap and runoff collection which is to be directed to the sewer system. Suitable signposting advising of the carwashing bay, to encourage use by residents, is to be provided. Approval from Sydney Water to the proposed facility is to be obtained.

57. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

58. Landscape works shall be carried out in accordance with Landscape Drawing No 03:10:02 prepared by Wallman Partners Pty Ltd and dated October 2003 submitted with the Development Application, except as amended by the following:

- Proposed Cupressocyparis 'Leighton Green' to be substituted with shrub species able to attain a maximum height of 3.5m eg Viburnum odoritissimum

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

Tree/Location	Radius From Trunk
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.2m
<i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in front garden	7.0m
<i>Lophostemon confertus</i> (Brushbox) x 4 Adjacent to northern site boundary in neighbouring property	7.0m
<i>Nyssa sylvatica</i> (Sour Gum) Adjacent to eastern (front) site boundary	4.0m

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61. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
62. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.2m
<i>Nyssa sylvatica</i> (Sour Gum) Adjacent to eastern (front) site boundary	4.0m
63. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
64. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
65. 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.
66. To preserve the ongoing health and vigour of the *Quercus robur* (English Oak) located adjacent to the southern site boundary in the neighbouring property, NO excavation is permitted within a 4.2m radius of the tree trunk base. Revised/amended plans are to be submitted to the principal certifying authority complying with this requirement for approval prior to the issue of the Construction Certificate.
67. To preserve the ongoing health and vigour of existing trees to be retained, the proposed drainage pipes are to be attached to the outside of the basement wall prior to backfilling. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority prior to the final Certificate of Compliance.
68. To preserve the ongoing health and vigour of existing trees to be retained, the proposed 'pump line from the basement' is to be located outside of the Critical Root Zone of ANY tree located on site to be retained. Documentary evidence of compliance with this

condition is to be submitted to the principal certifying authority prior to the issue of the final Certificate of Compliance.

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

69. Approval is to be obtained from Council, as the consent authority, pursuant to Section 138 of the Roads Act 1993 for the location and design of a pedestrian refuge in Cowan Road outside the subject property or a neighbouring property to allow safe access to the St Ives Shopping Centre in accordance with Clause 12(1) of SEPP 5 and the SEPP 5 Guide.
70. 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.

71. 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).
72. 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

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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.

73. 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.
74. 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 FIVE (5) ADDITIONAL DWELLINGS IS CURRENTLY \$60,591.50. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - St Ives	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

75. The garbage storage area is to be designed in accordance with Council's Development Control Plan No 40 and have sufficient space for the quantity of waste generated and to promote source separation of materials (eg recyclables). Details being submitted and approved prior to the issue of a Construction Certificate.
76. Details of the large external columns being submitted and approved prior to the issue of a Construction Certificate.
77. Submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:
 - SEPP 5 (as amended December 2000), and
 - Australian Standard 2890.1 – 1993 "Off-street car parking", and
 - The 2.44 metre headroom requirement under DCP40 for waste collection trucks.

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

78. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
79. The provision of permanent stormwater pollution control measures. Such measures are to capture suspended solids and nutrient runoff from the whole as-constructed

development and be readily maintainable. Details are to be provided for approval with the Construction Certificate.

80. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
81. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

82. Provision of on-site stormwater retention trenches and/or rainwater tanks which are to be designed to have a void-space and/or tank-space available volume which is sufficient to capture and retain the first 5mm of rainfall from the total subject property after which the trenches/tanks are to be designed to bypass and divert to the main drainage system. Appropriate sediment and litter arrestor pits/provisions are to be provided upstream from these trenches/tanks. Any rainwater tanks are to be located so that they may be readily used for landscaping watering purposes. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: Retention trenches may be achieved by the use of a separate low-level outlets from pits located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to retention trenches in preference to roof runoff.

- NOTE 3: Trenches shall be 700mm wide x 700mm deep and fitted with half round PVC (450mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: Trenches are to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of trenches.
- NOTE 6: Trenches are not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Maximum capacity of an individual rainwater tank to be 3000 litres.
- NOTE 8: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.
- NOTE 9: Rainwater tanks must not be located on the front facade of a dwelling.
- NOTE 10: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 11: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 12: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 13: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 14: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 15: Rainwater tanks to be fitted with measures to prevent mosquito breeding.
83. Provision of a basement stormwater pump-out system for the driveway ramp runoff. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding

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well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

84. The Applicant must carry out the following infrastructure works in the Public Road:

- a. Construction of a pedestrian refuge facility fronting the subject site on Cowan Road, incorporating delineation, signage, line marking and pram ramps on both sides of Cowan Road. The works are to be in accordance with the current RTA Technical Direction for pedestrian refuges.
- b. Construction of footpath fronting the site to facilitate use by wheelchairs and provide access to the refuge.
- c. Works associated with conveying stormwater drainage from the site to the Kanoona Street drainage system, including provision of a kerb inlet pit in C

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 engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council "Roads Act" approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings are to detail 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). Consideration must be given in the design to the impact that the refuge will have on the driveways of Nos. 25 and 56 Cowan Road (particularly swept paths).

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils 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. Failure to do so may delay the processing of the application.

85. Submission to Council prior to the issue of a Construction Certificate of a \$15,000.00 bond. This bond will cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage or within close proximity to the subject development caused as a result of construction works relating to the subject development. The bond will also cover any incomplete works,. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
86. Prior to the issue of the Construction Certificate, a suitably qualified and experienced geotechnical engineer is to investigate and certify that the proposed excavations required by the subject development will not affect the footings of structures on neighbouring properties by any means including consideration of zones of influence and watertable drawdown and that subsurface aquifers/groundwaters will not be redirected to cause nuisance to any neighbouring properties.
87. Due to the location of the development site on a main or arterial road or close to heavy pedestrian movements, the Applicant shall produce a Traffic Control Plan, in general 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), addressing all of the following matters:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site,

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including provision of a flagperson to control vehicle movements to and from the site.

- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak periods where located near schools of full time where located near shopping centres.

RTA Concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan where located on an arterial road or where parking restrictions are proposed prior to submission with Council.

Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed.

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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.

89. A CASH BOND/BANK GUARANTEE of \$18 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	
<i>Eucalyptus pilularis</i> (Blackbutt)	(8,000.00)
Centrally located in front garden	
<i>Quercus robur</i> (English Oak)	(8,000.00)
Adjacent to southern site boundary in neighbouring property	
<i>Nyssa sylvatica</i> (Tupelo)	(2,000.00)
Adjacent to eastern site boundary	

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

Tree/Location	Radius in Metres
<i>Nyssa sylvatica</i> (Tupelo)	4.0m
Adjacent to eastern site boundary	
<i>Eucalyptus pilularis</i> (Blackbutt)	4.0m
Centrally located in front garden	
<i>Quercus robur</i> (English Oak)	4.0m

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Adjacent to southern site boundary in neighbouring property

91. 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.
92. 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.
93. 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.
94. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
95. 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.
96. 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.

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

97. Prior to issue of the Subdivision Certificate, the submission of an original Plan of Subdivision plus five (5) copies, suitable for endorsement by the certifying authority.

Note: The following details must be submitted with the Plan of Subdivision:

- a. The 88B Instrument.
- b. The Engineer's Certification of the on-site Stormwater detention facility. This must be on the standard Council On-Site Detention certification sheet, available from Councils customer services.
- c. Any Surveyors or Engineers Certification required by other conditions in this consent.
- d. The Section 73 Compliance Certificate.

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Note: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate.

98. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority empowered to release, vary or modify the same.
99. Prior to issue of the Subdivision Certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
 - a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
100. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which is to be denoted common property, be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

101. Prior to issue of the Occupation Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicant's cost.
102. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and stormwater pollution control facilities on the property. These must be created prior to issue of the Occupation Certificate. 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.

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

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103. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Occupation Certificate.
104. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings must be undertaken prior to issue of the Occupation Certificate. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to issue of the Occupation Certificate.
105. Prior to issue of the Occupation Certificate, an easement for waste collection is to be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
106. Submission of certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority, prior to issue of the Final Compliance Certificate, that:
 - The dimensions of all as-constructed private carparking spaces meet the dimension requirements of SEPP (as amended December 2000).
 - The as-constructed carpark complies with the approved Construction Certificate plans.
 - That the vehicular headroom requirements of SEPP 5 (as amended December 2000) for parking spaces and the headroom requirements of AS2890.1 and the headroom of 2.44m for waste collection trucks (DCP 40), if required, are met from the public street into and within the respective relevant areas of the basement carpark.
 - That the access driveway from the public street to the basement carpark has been constructed in accordance with the approved Construction Certificate plans and that the gradients of the driveway are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
107. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic

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engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

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

108. Construction of the property stormwater drainage works, including retention and pollution control measures, is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Occupation Certificate, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Occupation Certificate.

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109. The creation of a Restriction-on-Use under the Conveyancing Act, prior to the issue of an Occupation Certificate, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
110. The basement stormwater pump-out system is to be regularly inspected and maintained by suitably qualified personnel. Prior to the issue of an occupation certificate, the Applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let to this effect.

BUILDING CONDITIONS

111. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
112. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.

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- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

- 113. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
- 114. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
- 115. 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.
- 116. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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117. 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.

118. Smoke control shall be provided as required by the Building Code of Australia, Part E 2.1. Details of the system are to be submitted for approval.
119. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - f. A Compliance Certificate that the slow combustion or oil fired stove complies with Part G2.21 of the Building Code of Australia.
120. The development is to meet the requirements of Clause 13 A(2) to (20) inclusive, of State Environmental Planning Policy No 5. A Compliance Certificate is to be submitted from a suitably qualified person to the effect that the building complies with the relevant design standard.

G Bolton
**Team Leader, St Ives
Ward**

M Prendergast
**Manager
Development Assessment
Services**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Site Location Plan
Site Analysis Plan
Elevations
Landscape Plan**

64 WELLINGTON ROAD, LINDFIELD - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

- Application lodged 6 November 2002.
- Council deferred the matter on 17 February 2004.
- Consideration pending a site inspection.
- The Council site inspection took place on 28 February 2004.

COMMENTS:

The issues raised at the site inspection are addressed in this report.

RECOMMENDATION:

Approval, subject to conditions.

PURPOSE OF REPORT

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

BACKGROUND

- Application lodged 6 November 2002
- Council deferred the matter on 17 February 2004
- Consideration pending a site inspection.
- The Council site inspection took place on 28 February 2004
- Three additional objections received subsequent to the site inspection.

COMMENTS

That Council's staff re examine the proposal's compliance with Council's Built Upon Area requirement and that the extent of the basement car park and building footprint be clearly depicted on an amended plan for Council's consideration.

Plan 3 (attached) depicts the extent of the basement car-park and building footprint.

Clause 60C(2) of the Ku-Ring-Gai Planning Scheme Ordinance (as amended to 12 April 2002) permits a maximum of 60% of the site as "Built-Up-on Area". A detailed assessment of the application reveals that the resulting "Built-Up-on Area" amounts to 503m² or 60% of the site area and is considered acceptable in light of the improvement over the current built-upon area of 67.6%.

It must be noted, however, that State Environmental Planning Policy No. 5 sets aside local planning controls that would prevent the development of housing for older people or people with a disability to the extent of the inconsistency.

That objectors' concerns in relation to safety and traffic implications be reviewed by Council's staff, particularly given the proximity of the development at the intersection of Wellington Road and Coopernook Avenue.

The Council's Development Engineer commented as follows:

Based on the RTA "Guide to traffic generating developments" (which is consistently used when assessing traffic generating developments, both in Council assessment and in L&E Court) the proposed development will result overall in a substantial decrease in trips generated from site. The following table summarises the situation:

Driveway Location	Existing Dual Occupancy		Proposed SEPP 5
	Coopernook	Wellington	Wellington (only access point)
<i>Daily trips</i>	9	9	8 (2 per dwelling)
<i>Hourly trips</i>	0.85	0.85	0.8 (0.2 per dwelling)
Total Trips from site	18 daily and 1.7 hourly		8 daily and 0.8 hourly

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The existing driveway access from Coopernook Ave will be removed under the proposal, thus eliminating a potential vehicular conflict point altogether.

Further, the Guide indicates that there will be a decrease in trips generated from the post-developed site onto Wellington Rd.

In accordance with the RTA "Guide to traffic generating developments", the proposal is supported from a traffic generating regard, as it will improve the existing situation in both Coopernook Ave (removal of vehicular conflict point) and Wellington Rd (decrease in vehicular trips).

It is therefore considered that the proposal will result in an improved traffic situation by reducing the number of vehicle crossings and allowing the forward exit of vehicles onto Wellington Road.

That staff confirm whether the new state legislation relevant to SEPP No 5 Development applies to this development.

Notwithstanding its repeal on 31 March 2004, State Environmental Planning Policy No 5 continues to apply to and in respect of any development application lodged on or before 18 February 2004, but not finally determined before the commencement of the SEPP Seniors Living Policy.

The provisions of the SEPP Seniors Living Policy do therefore not apply to the proposal.

That submissions in relation to the impact of vegetation on site be clarified, particularly in relation to the amount of excavation proposed and its impact upon adjoining vegetation.

The basement car park will cover approximately 260 m² (30%) of the site. Excavation is more than 18 metres from the rear boundary, 2.1 metres from the boundary with No 66 Wellington Road and between 2.5 metres and 3 metres from the Coopernook Avenue frontage. The finished basement floor level is approximately 500mm lower than the existing garage floor level.

To ensure a level rear yard, further excavation of between 700mm to 1200mm is proposed. Grated drains are proposed in this area to ensure effective storm water drainage.

Excavation is therefore proposed over a large part of the site and no existing vegetation will be retained. However, the Landscape Officer considers the existing landscape to be in poor condition with minimal maintenance undertaken in the past. Existing trees that have previously been pruned exhibit epicormic re-growth and are in poor health. There are no significant trees located on site.

Canopy tree replenishment is conditioned as part of the amended landscape plan and the site in its developed state will satisfy the Council's Tree Replenishment Policy. Four canopy trees have been included within the revised landscape plan as well as an additional tree in the nature strip.

The proposal advances 6.0 metres high screen planting to be provided only adjacent to the second storey component of the development along its north-eastern boundary, with remaining landscaping to achieve a height of 3.0 metres. Given the opportunities for increased screening resulting from the 2 metres setback to the north-eastern property boundary, it is suggested that Condition No 104 be

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altered to require 6.0 metres high screen planting along the entire north-east boundary as it relates to the proposed built form. Raised planters within the rear (western) courtyards are included as a condition of consent and will be of a size and volume capable of supporting at least two deciduous trees and achieving a minimum height of 6.0 metres. (One planter per courtyard).

The Landscape Development Officer does not envisage any adverse impacts on adjoining vegetation and a condition is imposed that if any tree roots are severed during excavation these be treated by a suitably qualified professional. (See Condition No 83)

The proposed vegetation will have little impact on vegetation on adjoining properties considering:

- The north-east orientation of the site (the site will more likely be overshadowed rather than cause overshadowing of adjoining properties)
- The position and bulk of the existing dual occupancy residences. These structures are set back less than 1 metre off both the north-eastern (side) and north-western (rear) boundaries. The ridge heights being 4.3 metres and 5.7 metres above natural ground level along the side and rear boundaries respectively.
- The proposal increases building setbacks to both the abovementioned boundaries to more than 5m to the rear boundary and 2m to the side boundary.
- The slope ie ground levels (pre and post development) are substantially lower than the two adjoining properties.

That the amount of excavation be re-examined by Council's staff and details are to be provided for Council's consideration particularly in relation to the amount of excavation and/or fill at the rear of the site and its impact on the ability to provide deep soil planting areas.

As indicated above, excavation to depths of between 700mm to 1200mm is proposed across the rear of the site. The removal of some 90m³ of soil will achieve ground levels similar to the adjoining property at No 66 Wellington Road where some cutting and filling has also been done to achieve a level rear garden.

Terraced planters are proposed around the perimeter of the site that will enable deep soil planting of screen plants of up to 6m high and also satisfy tree canopy replenishment.

Raised planter boxes are also conditioned to be provided in the rear courtyards that would support trees or shrubs of 6 metres in height. (See Condition No 104)

The proposal complies with the deep root planting area requirement which stipulates an area of 126m² by providing approximately 200m². Despite this compliance, concern has been raised at the restricted area available for deep root planting and the ability for the site to sustain substantive screen planting on the north-eastern boundary. Given the excessive amount of parking provided for the development in terms of Clause 14(d) of SEPP 5 there is ample opportunity, once the parking is reduced to 5 spaces as required, for the extent of excavation to be limited to the building footprint on the north-eastern alignment above. By so doing, an average of 2 metres width would be achieved between the excavated basement and the north-east boundary, thereby facilitating substantial landscaping on this boundary. Condition No 101 will provide for this outcome.

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In addition, staff are requested to provide an assessment as to the location and possible impacts of the proposed detention system and its impact on the ability to provide deep soil planting areas.

The courtyards adjacent to Units 3 & 4 and the basement car park are set back between 6.6 and 7 metres to the Wellington Road boundary. The units themselves are set back approximately 12 metres from Wellington Road while the adjacent house at No 66 Wellington Road is set back approximately 15 metres to the street.

The proposed on-site storm water detention tank measuring 23m² is located in the front setback along Wellington Road (in the position of the existing swimming pool). It is proposed to bank between 0.2 and 1.2 metres of soil over the top of the tank to enable additional landscaping. There is an additional 56m² of deep soil planting area available along this frontage. Although of limited size, Council's Landscape Development Officer considers the area available for deep soil landscaping suitable to accommodate adequate screen planting.

That staff re examine the necessity of the proposed planter boxes (Coopernook Avenue frontage) and that the provision of a normal planting terrace be investigated.

No planter boxes are proposed along the Coopernook frontage. Plans indicate a 1 metre wide planting terrace arrangement that will allow deep soil planting. Plant species are proposed that will attain heights of 3 to 6 metres. (See Condition No 104).

That Council's staff clarify the proposed setback and the ability to provide deep soil planting along the southern side boundary.

The courtyards adjacent to Units 3 & 4 and the basement car park are set back between 6.6 metres and 7 metres to the Wellington Road boundary. The units themselves are set back approximately 12 metres from Wellington Road. The proposed on-site storm water detention tank is also located in the front setback and reduces the area available for deep soil plating by approximately 23m². Some landscaping will be possible on top of the tank but will be limited to smaller rooted species. There is approximately 56m² available for deep soil planting along this frontage and, as noted earlier, Council's Landscape Development Officer considers it suitable to accommodate screen planting.

That Council's staff provide information in relation to the reshaping of the site at the Wellington Road and Coopernook Avenue frontages and that sections/levels be submitted for Council's consideration which clearly illustrate the amount of fill in this location (corner of Wellington and Coopernook).

A series of retaining walls are proposed along these frontages as shown on the sectional plans attached and referenced as Plan 1 and Plan 2. These are dictated by the slope of the site in an attempt to reduce the impact of the basement car-park protrusion onto the Wellington Road and Coopernook Avenue façades.

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The amount of fill varies and is estimated at 30m³ but plans indicate that none of the retaining walls will be higher than 1m above the finished ground level. (The retaining wall adjacent to the stairs and driveway is approximately 1.5 metres high but is not visible from Wellington Road.)

That details be provided that demonstrate the height of the basement garage and associated deck above natural ground level at both the Coopernook Avenue frontage and southern side boundary.

Attached Plan 1 shows the southern elevation (to Wellington Road). The basement is approximately 1.4 metres above the natural ground level but only a maximum of 800mm will be visible after construction of the retaining walls. The Landscape Development Officer considers that there is adequate space for planting and screening of this projection.

CONSULTATION - COMMUNITY

Subsequent to the Council site inspection further submissions were received from the following persons:

S. Piech - 12 Woodlands Road, East Lindfield
T & E Becker - 30 Adelaide Avenue, East Lindfield
M. Orr - 45 Pleasant Avenue, East Lindfield

The submissions raised the following issues:

SEPP 5 Development is inappropriate for the neighbourhood and in respect of the distance to rail transport

State Environmental Planning Policy No 5 applies to the State and sets out a series of locational criteria which are discussed in the attached Council report. The proposal meets those criteria and therefore is deemed appropriate within its locality as prescribed by the Policy.

Traffic implications and safety concerns due to proximity to the intersection of Coopernook Avenue and Wellington Road.

This concern is addressed earlier in this report and in the previous report to Council. The traffic and safety impacts of the proposal are acceptable.

The property is not large enough for the proposal and is considered an over development in terms of bulk and scale.

The proposal is consistent with all SEPP No.5 standards as they relate to bulk scale and intensity of use and with the majority of Council's additional requirements for SEPP 5 housing. The intensity of the use is increased from two dwelling units to four dwelling units and is not considered an overdevelopment of the site in planning terms.

Loss of privacy and solar access

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As noted in the previous Council report, certain privacy issues may arise in relation to the overlooking of the rear yard of No 66 Wellington Road from the proposed upper level north-east facing window of Bedroom 2 in Unit 2. A condition of consent is suggested that requires that this window be provided with a 1500mm sill height. (See Condition No 66).

Overlooking to the north-east is addressed in the form of 6.0 metres high screen planting (facilitated by the increased basement set back) and to the north-eastern side of the deck in the form of planters.

In terms of the residence to the north-west, located on the corner of Coopernook Avenue and Tarago Place, this dwelling is higher than the development site and thus less likely to be affected by overlooking. The dwelling is also separated from its common boundary with the development site by some 10 metres. In such circumstances, it is unlikely that significant overlooking impacts will result. However, for abundant caution, screen planting of 5.0 metres in height is applied as a condition to the north-western boundary of the site (screen planting of any greater height is not recommended on the basis that it would interfere with solar access to the north-facing courtyards of the development. (See Condition No 102).

The proposal ensures adequate daylight to the main living areas of neighbours and adequate sunlight to substantial areas of private open space in accordance with the AMCORD requirements.

Loss of vegetation

The Landscape Officer considers the existing landscape to be in poor condition as minimal maintenance has been undertaken. Where existing trees have been pruned these exhibit epicormic re-growth and are in poor health. There are no significant trees worthy of retention located on the site. The reduced bio mass associated with the removal of trees will be more than compensated by the tree replenishment requirements of Council's Landscape officer's consent conditions. (See Conditions Nos 115 and 116).

SUMMARY

The proposal is appropriately designed and located to minimise bulk and scale and respect the streetscape and character of the area. The dwellings are designed and located to avoid unreasonable impacts upon adjoining properties. The proposal has been assessed against all relevant considerations under S79C of the Environmental Planning and Assessment Act, 1979 and is recommended for approval, subject to the following conditions:

RECOMMENDATION

That Development Application No 1551/02 for the demolition of the existing two residences on site the construction of four residential dwellings within a part single part two storey building comprising of two, two bedroom units and two, three bedroom units together with basement parking, pursuant to the provisions of clause 5 of SEPP No 5 at No 64 Wellington Road East Lindfield legally described as the whole of Lot 746 in, DP 752001, be approved for a period of two (2) years from the date of the Notice of Determination and subject to the following conditions:

GENERAL CONDITIONS

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1. The Development is to be in accordance with Development Application 1551/02 and Development Application plans prepared by Keers and Banks Pty Limited, Architects reference number 2021: A01(A) dated August 2002, A04(B), A05(B), A06(B), A07(B), A08(B), A09(B), A10(B), A011(C) revisions dated October 2003 and A02(D), A03(D) revision dated 19 December 2003 except where modified by any of 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.

Demolition Conditions

4. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
5. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
6. 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.
7. 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.
8. 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.

9. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
10. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.

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- 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.
11. 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.
 12. 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.
 13. 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.
 14. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
 15. 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.
 16. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
 17. Fire hoses are to be maintained on site during the course of demolition.
 18. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
 19. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
 20. 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.

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21. 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:
- stating that unauthorised entry to the work site is prohibited, and
 - 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:

- building work carried out inside an existing building, or
 - 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.
22. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

Administration Conditions

23. 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.
24. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

Construction Conditions

25. 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.
26. 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.
27. 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.

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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.

28. 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.
29. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
30. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
31. To maintain existing ground levels all excavated material shall be removed from the site.
32. 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.
33. 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.
34. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
35. 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.

36. 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.

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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.

37. 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.
38. 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 Certificate.
39. 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.

40. 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.
41. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.

SEPP 5 Conditions

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42. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
43. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
44. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
45. All dwellings to be serviced by a 24 hour a day monitored emergency call system, or all dwellings to be built to easily accommodate the installation of a 24 hour a day monitored emergency call system if required by the resident

Special Conditions

46. 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.
47. The proposed development is to be compliant with both AS 1428 (Design for Access and Mobility and AS 4299 (Adaptable Housing) and is to satisfy the requirements of Clause 13A of SEPP 5.
48. The interior design of dwellings, ancillary facilities (e.g. letterboxes, lighting etc) and circulation space within the development shall comply with the standards contained in clause 13A of SEPP 5. A Compliance Certificate prepared by a suitably qualified and experienced person, certifying compliance with the provisions and standards contained in this clause, shall be submitted to the Principal Certifying Authority prior to occupation of the development.
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. No mobile outdoor surveillance systems shall be installed without prior approval of Council.
51. No advertising signs are to be erected without the prior consent of Council.

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52. Master TV antennas are to be provided to avoid having individual antennas. The master antenna should be located at the rear of the site to reduce visibility from the street. Alternatively, location within the roof space can be considered.
53. Letter boxes must be provided in accordance with the requirements of Australia Post and be accessible to wheelchair users
54. On site power must be underground and satisfy the requirements of Energy Australia.
55. Unit/dwelling numbers must be clearly displayed and visible for emergency vehicles and visitors.
56. Each dwelling must have a childproof storage place for poisons or other dangerous substances.
57. Walls and Fences within the development are to be in accordance with Council's Development Control Code 1/99 or as otherwise directed.
58. 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.
59. Throughout the development it is necessary to utilise non-slip materials. Surfaces, which will be slippery when wet, are not permitted. Loose material such as gravel or sand should be avoided near footpaths.
60. Locate TV antenna outlets on interior walls (away from windows and potential glare problems) in positions that maximise, options for TV location in the living and sleeping areas.
61. Locate telephone sockets so that residents have a choice of places/rooms to put a telephone and its related furniture.
62. All vehicles shall enter and leave the property in a forward direction.
63. Threshold ramps are to be provided to all courtyards and decks in accordance with AS1428.1.
64. Thermal insulation is to be provided to the walls, ceilings and roofs of both buildings.
65. The north east facing (side) window to bedroom 2 of unit 2 shall be amended to provide a minimum sill height of 1500mm measured from first floor finished floor level.
66. Suitable window shades are to be provided to west facing windows.
67. Accessible garbage storage areas shall be provided in a suitable location for use by all units with at least 1550mm circulation space to enable easy access. All garbage areas, including those marked on plans as 'service yard' shall be effectively screened from view from any public vantage point.

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68. All courtyard fencing is to be in accordance with the requirements of Council's Code except in relation to the front decks to units 3 and 4 which shall be provided with planters no less than 900 in height and located in accordance with landscape plans no. A011(C) which shall be densely planted with species able to attain a height of 300mm.
69. All signposting or road works associated with the development are to be at no cost to the Council

Pollution and Environment

70. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
71. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
72. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
73. 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.
74. 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.
75. 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.
76. 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.
77. 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.

Landscape Conditions

78. 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.

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Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

79. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times
80. 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.
81. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Wellington Road. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Syncarpia glomulifera (Turpentine)

82. 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.
83. On completion of the Landscape work/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
84. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Engineering Conditions

85. A contractor with specialist excavation experience must undertake excavations the on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. Excavations to be carried out:
 - a. According to the relevant Australian Standards and guidelines, and
 - b. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

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86. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the stormwater drainage system.
87. For stormwater control all balconies and paved areas are to be drained to the main drainage system.
88. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the Council stormwater pit fronting the site on Wellington Road. Backflow prevention to be provided.
89. For stormwater control, an On-site Stormwater Detention System is to be provided with volumes and discharge in accordance with Council's Stormwater Management Manual. Design and layout to be generally in accordance with the concept On-Site Detention design Bruce Longfoot, drawings BR 1010 to 1014 inclusive. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

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

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

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

NOTE 4: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

90. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

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91. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
92. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
93. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
94. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking" and the provisions of SEPP 5. The driveway and circulation aisles must accommodate two-way traffic.
95. Disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.
96. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

PRIOR TO COMMENCEMENT OF ANY EXCAVATION OR ASSOCIATED SITE WORKS

97. The submission and approval by the Principal Certifying Authority (PCA) of a Geotechnical/Civil Engineering report which addresses:
 - a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level, and include the location and description of any anomalies encountered in the soil profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.

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- b. Engineering measures described in full to temporarily and permanently support the excavation for the basement area, adjacent to the footpath and adjacent property and structures. These measures are to ensure that there will be no adverse impacts on adjacent property, structures and infrastructure.

The report must be prepared by a practising geotechnical engineer with previous experience in such investigations and reporting. The report is to be prepared and submitted for approval prior to **any** excavations on the site and prior to release of the Construction Certificate.

- 98. A practicing structural/geotechnical engineer must prepare a full structural dilapidation report on the structural condition of all existing structures at 66 Wellington Street, East Lindfield, within 15 (fifteen) metres distance of the excavations along the northern boundary.

The dilapidation report must be completed and submitted to Council prior to the commencement of **any** demolition, excavation or construction works, and prior to the issue of the Construction Certificate. Note: A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council (prior to issue of the Final Compliance Certificate).

- 99. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works. Backfilling of excavations adjoining Council property, or any void remaining at completion of construction between the building and Council property, must be fully compacted prior to issue of the Final Compliance Certificate.

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

- 100. The basement parking area shall be redesigned to accommodate a maximum of 5 off street vehicle spaces designed strictly in accordance with the provisions of AS4299 and with each space having clear internal dimensions of 3200mm by 6000mm exclusive of any columns and minimum headroom of 2500mm and driveway widths and grades to be strictly compliant with AS2890.1 1993 and AS4299. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.
- 101. As a result of the reduced parking provisions, the basement level shall be set back 2000mm from the north-eastern common boundary with No.66 Wellington Road, East Lindfield. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.
- 102. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of

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works. A Landscape Assessment fee of \$220.00 will be payable on lodgment of the required landscape plan.

103. An amended landscape plan shall be prepared by a suitably qualified Landscape **designer** detailing effective screen planting of the development in the following manner; and provide additional planting opportunities in the rear courtyards as follows:
- North-east site boundary - from the south-east (Wellington Road) edge of the elevated front terraces to unit 3, along the entire length of the adjacent proposed built form - using species which are capable of attaining a height of 6.0 metres,
 - South-west site boundary adjacent to the north-eastern building elevation (but clear of any pedestrian pathways either internal or external to the site) which are capable of attaining a height of 6.0 metres.
 - North-west (rear site boundary) which are capable of attaining a height of 5.0 metres,
 - North-east site boundary to the rear garden capable of attaining a height of 3.0 **metres**,
 - South-west site boundary in the rear garden capable of attaining a height of 3.0 metres
 - South-east (front) site boundary capable of attaining a height of 2.0 metres.
 - Introduction of raised planters within the rear (western) courtyards, which are to be of a size and volume capable of supporting at least two deciduous trees, and achieving a minimum height of 6.0 metres. (One planter per courtyard)
104. An amended lower ground floor plan shall be prepared which deletes the entire ramping proposal to the front yard addressing Wellington Road, and shall indicate an inclinator which will provide an accessible link between the gateway on the corner of Coopernook Avenue and Wellington Road to the commencement of the ramp between the north east elevation and the Coopernook Avenue alignment. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.

Special Conditions

105. Waste Management Facilities shall be provided for the residents in accordance with Chapter 3 of the Development Control Plan No. 40 – Waste Management. The facilities shall be provided, and a summary of compliance with DCP 40 shall be forwarded to Council's Waste & Environment Management Section prior to the issue of a Construction Certificate.
106. 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 TWO (2) ADDITIONAL DWELLINGS IS CURRENTLY \$24,078.00. 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

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Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New Library bookstock	\$17.95
4.	New Public Art	\$2.93
5.	Acquisition of Open Space - Lindfield	\$7,851.00
6.	Koola Park upgrade and reconfiguration	\$143.09
7.	North Turramurra Sportsfield development	\$986.80
8.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9.	Section 94 Officer for period of Plan 2000-2003	\$118.42
10.	Preparation of New SEPP 5 Residents Kit	\$22.44
11.	SEPP 5 S94 Study and Interim Plan, 2000-2003	\$108.95

To obtain the total contribution figure the occupancy rate for all SEPP 5 developments is 1.3 persons

107. Due to the location of the development site near a bus stop and close to heavy pedestrian movements, the Applicant shall produce a Traffic Control Plan, in general 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), addressing all the following matters:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How all vehicles servicing the site including provision for forward ingress will safely access the site and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. Suitable provision shall be made on site for all construction vehicles to alleviate any need to park on Wellington Road or Coopernook Avenue.

Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the

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abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, if required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

108. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:

a. Describe the anticipated impact of the construction works on:

- local traffic routes
- pedestrian circulation adjacent to the building site;
- and on-street parking in the local area; and;

b. Describe the means proposed to:

- manage construction works to minimise such impacts;
- provide for the standing of vehicles during construction;
- provide for the movement of trucks to and from the site, and deliveries to the site; and

c. Show the locations of:

- any site sheds and any anticipated use of cranes and concrete pumps;
- any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

Administration Conditions

109. 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.

110. 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,

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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).

111. 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.

Construction Conditions

112. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
113. Suitable window shading is to be provided to the west facing windows. Details are to be submitted to Council for approval prior to the release of the construction certificate.

Landscaping Conditions

114. The property shall support a minimum number of 3 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of a Construction Certificate and approved by Council's Landscape Development Officer, prior to commencement of work.
115. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby Council's Tree Preservation Order will protect them. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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116. A CASH BOND/BANK GUARANTEE of \$8,000 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.

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

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

Engineering Conditions

118. Submission, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
119. Provision to Council, prior to the issue of a Construction Certificate, of a \$10,000.00 bond. This bond is to cover the restoration by Council of any damage to Council's infrastructure (including drainage lines) along the site frontage or within close proximity to the subject development, or for any incomplete works, caused as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.

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- b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

120. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

121. Submission of revised parking layout details, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, of the following:

- Parking spaces to have a minimum internal clear width of 3.2 metres
- Access driveway to have a minimum clear width of 2.9 metres in all locations.

122. Submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:

- SEPP 5 parking design requirements (as amended December 2000), and
- Australian Standard 2890.1 – 1993 “Off-street car parking”, and
- The 2.5 metre headroom requirement under SEPP5.

NOTE 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

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NOTE 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

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

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

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

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

124. Full construction drawings of the proposed on-site stormwater detention (OSD) system, and supporting calculations, are to be prepared by a suitably qualified and experienced consulting engineer. Details must be submitted to, and approved by, the Principal Certifying Authority prior to issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

Administration Conditions

125. 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.
126. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

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- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

Construction Conditions

- 127. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
- 128. 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 Surveyors report on the set out of the buildings.

SEPP 5 Requirements

- 129. One (1) dwelling unit is to be designed to meet the requirements of Clause 13A(2)(d) of State Environmental Planning Policy No 5 for disabled occupation to the satisfaction of Council. Full details are to be submitted to and approved by the Principal Certifying Authority.
- 130. To enable the "ageing in place" philosophy to be achieved in Ku-ring-gai:
 - a. Prior to the commencement of construction, documentary evidence is to be provided to Council's satisfaction, of an agreement with suitably qualified service provider/s for the provision of the following services if and when required by any of the residents of the development:
 - Personal care, including bathing and dressing;
 - Housekeeping, including cleaning and laundry;
 - Home delivered meals; and
 - 24 hour a day monitored emergency call system.
 - b. The documentary evidence is to include the following details:
 - Proposed cost to residents of each of the services listed in (a) above; and
 - Proposed means of altering the cost to residents of these services. This may include: linking costs to the Consumer Price Index or a proportion of the Aged Pension; or be selecting a new service provider.
 - c. Promotional material shall include details of the services available to residents of the development and their cost.

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- d. A comprehensive residents' manual is to be provided to all residents which includes information of relevance to them, such as doctors, churches and other community services and facilities.

Pollution and Environment

- 131. 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.
- 132. 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.
- 133. 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.
- 134. For stormwater control and to preserve and enhance the natural and built environment, a Sediment and Erosion Control Plan relating to all areas of the site to be disturbed or affected by earthworks or construction works shall be submitted and approved with the application for a Construction Certificate. The Control Plan shall include all details of measures and methods of sediment and erosion control to be adopted, implemented and methods of sediment and erosion control to be adopted, implemented and maintained during the course of development of the site. The Control Plan shall incorporate and disclose:
 - a. All details of drainage to protect and drain the site during the construction processes;
 - b. All sediment control devices, barriers and the like;
 - c. Sedimentation tanks, ponds or the like;
 - d. Covering materials and methods;
 - e. A schedule and program of the sequence of the sediment and erosion control works or devices to be installed and maintained.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

- 135. Prior to issue of the Final Compliance Certificate/occupation, a clearly visible traffic signal system or convex mirror is to be provided within the basement parking area, which informs egressing vehicles within the basement area of an ingressing vehicle on the driveway.
- 136. A second dilapidation report, recording structural conditions of all structures originally assessed at 66 Wellington Street, East Lindfield prior to the excavation works, must be carried

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out at the completion of the development and be submitted to Council, prior to issue of the Final Compliance Certificate and issue of any subdivision certificate.

137. Prior to issue of the Final Compliance Certificate/occupation, signage must be installed at the car park entry to warn pedestrians of vehicles exiting the car park. Further signage must be installed near the car park exit to warn egressing drivers to beware of pedestrians passing over the driveway.
138. A contractor with specialist excavation experience must undertake excavations for the basement parking area. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and Prior to issue of the Final Compliance Certificate, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :-
 - a. According the relevant Australian Standards and guidelines, and
 - b. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
139. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.
140. Submission of certification to the Principal Certifying Authority from a suitably qualified and experienced civil/traffic engineer prior to issue of the Final Compliance Certificate/occupation, that:
 - a. The car park space dimensions and vehicular headroom requirements of SEPP 5 (as amended December 2000) and AS2890.1 are met for all parking spaces and areas, and
 - b. All driveways and circulation aisle widths, grades, curve radii, (including transitions) meet the requirements of AS2890.1. and the relevant conditions of consent.
141. The creation of a Restriction-on-Use under the Conveyancing Act, prior to issue of the Final Compliance Certificate/Occupation, restricting the occupation of the premises to:
 - a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
142. Construction of the property stormwater drainage is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, prior to issue of the Final Compliance Certificate/Occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.

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- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the entire property stormwater drainage system, prepared by a registered surveyor, is also to be submitted and approved by the Certifier prior to Occupation.

143. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval prior to occupation or issue of an Occupation Certificate. Certification is to be provided by a suitably qualified engineer and the WAE is to be prepared by a registered surveyor. The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

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

144. The creation of a Positive Covenant and Restriction on the Use of Land under the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and pollution control system on the property prior to occupation or the issue of an occupation certificate. The terms of the instruments are to be generally in

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accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

145. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
146. Prior to issue of the Final Compliance Certificate/occupation or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
147. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which is to be denoted common property, be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

Administration Conditions

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

Construction Conditions

149. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
150. 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.

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- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

151. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

152. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

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153. 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.
154. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the floors shall be submitted to the Principal Certifying Authority on completion of that floor.
155. 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.
156. 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.
157. 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.
158. 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.

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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.

159. 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 and Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the buildings comply 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.

Pollution and Environment Conditions

160. Polluted water collected within excavations must be flocculated with only Gypsum (calcium sulfate) settled and filtered prior release to stormwater. Council must approve Flocculants other than Gypsum prior to use. Clarity of 50mg/L must be obtained before releasing treated water to stormwater.

Note: A practical field test to approximate this level is to fill a glass or clear plastic 65mm diameter bottle with the sample and hold it up to the light. If seeing clearly through the sample is not possible, it will need further treatment and settling.

C Swanepoel
**Executive Planner –
Roseville Ward**

R Kinninmont
**Team Leader, Roseville
Ward**

M Miocic
**Director
Environment &
Regulatory Services**

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Attachments:

- Location Sketch**
- Council Report - 17 February 2004**
- Plan 1 - Southern Elevation (enlarged)**
- Plan 2 - Section (enlarged)**
- Plan 3 - Building footprint and basement excavation detail**
- Elevations**
- Site Plan**
- Roof Plan**

102 WELLINGTON ROAD, EAST LINDFIELD - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

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

BACKGROUND:

- Application lodged 20 May 2003
- Council considered a report at its meeting on 3 February 2004
- Consideration pending site inspection which took place on 19 February 2004

COMMENTS:

The issues raised at the site inspection are addressed in this report

RECOMMENDATION:

Approval, subject to conditions.

PURPOSE OF REPORT

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

BACKGROUND

- Application lodged 20 May 2003
- Council considered a report at its meeting on 3 February 2004
- Consideration pending site inspection which took place on 19 February 2004

COMMENTS

1. **Written confirmation must be obtained from the Rural Fire Service confirming that the Outer Protection Zone (10 metres park strip along the northern boundary) is no longer required to satisfy bushfire requirements.**

NSW Rural Fire Services has provided written confirmation that the 10 metres Outer Protection Zone is no longer required and that the 40 metres managed Inner Protection Area will satisfy bushfire safety requirements (see attachment). An amended condition has been imposed and is included in the recommendation. (See Condition No. 14)

2. **Subsequent to the confirmation in Point 1 being received, recommended conditions relating to the use and maintenance of the 10 metres wide park strip as an Outer Protection Area be deleted.**

Following the Council site inspection (attended by NSW National Parks and Wildlife Service), the Department of Environment and Conservation affirmed that no fire protection measures are proposed within the national park and also indicated that the storm water management proposal is acceptable. On this basis it has no further comments to make regarding the proposal. Condition 18 in the original Council report has therefore been deleted.

3. **The use of blue metal around stormwater pits or subsoil drainage lines is not to be allowed. Crushed or round river gravel is to be used instead. An appropriate condition is to be added to the recommendation.**

Condition No 47 has been included in the recommendation which addresses this requirement.

OTHER MATTERS

At the Council meeting of 3 February 2004 it was requested that more information be supplied to Councillors in relation to the bio-retention filter systems.

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The Council's Manager, Catchments and Sustainability prepared the attached précis of the proposed stormwater management system proposed which incorporates the use of bi-retention filter systems.

The stormwater management system proposed is considered appropriate and provides a good demonstration of fulfilling the objectives of Water Management Development Control Plan 47.

SUMMARY

The proposal is acceptable, notwithstanding there being an element of risk to bush-fire prone properties. It is the objective of the "Planning for Bushfire Guidelines" to find an acceptable risk. In this case, acceptable risk is reached within the context of an existing infill circumstance and the use of higher construction standards and fire protection measures. The Rural Fire Service has reviewed the proposal and do not object to the development proceeding on this site. These are considered valid and justifiable grounds for Council to accept the identified bush fire risk in this instance.

Sections 79BA and Section 79C of the Environmental Planning & Assessment Act 1979 have been considered and the proposal is acceptable in this regard. The proposed low density use is compatible with the established residential pattern of the area and will be an appropriate land use given the bushfire constraints.

The proposal is therefore recommended for approval, subject to conditions.

RECOMMENDATION

That Development Application No 617/02 for the subdivision of two lots into three and the construction of three residential dwellings on Lots 834 & 836 in DP 240858, being 102 Wellington Road, Lindfield be approved for a period of two (2) years from the date of the Notice of Determination and subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 617/03 and Plan of Proposed Subdivision prepared by Higgins Norton Partners, Surveyors & Property Consultants, reference number 21333D, dated 31 March 2003, and Development Application plans prepared by Huxley Planning & Design Pty Ltd, printed 12 May 2003 and reference number Lot 1, Lot2, Lot3, and lodged with Council on 20 May 2003.
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.

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

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14. Compliance with the general terms of approval issued by NSW Rural Fire Services.
 - Access is to comply with section 4.3.2 Planning for Bushfire Protection 2001.
 - Section 88B restriction as to user shall be placed on all lots within the subdivision prohibiting the use of 'brushwood' fencing.
 - Reticulated water supply shall comply with section 6.4.3 of Planning for Bushfire Protection 2001. Where the rear of the proposed structures are located more than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard 2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
 - Dwellings on lots 2 and 3 shall comply with AS3959 level 3 construction.
 - The Dwelling on lot 1 shall comply with AS3959 level 1 construction.
 - The entire property is to be managed as an Inner protection area as described within section 4.2.2 of Planning for Bushfire Protection 2001.
 - The development shall adopt recommendations contained within the Bushfire Hazard Assessment by Holmes Fire and Safety where they do not conflict with conditions listed above.
 - Any fencing within 8.0 metres of the rear boundary shall be constructed from non combustible materials.
15. Gas storage shall be installed and maintained in accordance with AS/NZS 1596-1997 - Storage and Handling of LPG Gas.
16. The right of carriageway on the northern boundary is to be increased to six metre width to provide a four metre formed all weather carriageway plus a one metre table drain on each side of the carriageway.
17. Provision for fire trail access to link to the adjoining Bowling Club and rear of adjoining development to the west as well as the east of the proposed development.
18. The RFS also seeks as part of the approval the demolition of the existing building (former Bowling Club) and the adoption of the recommendations on page 14 of the report by Holmes Fire and Safety, dated 16 May 2003 (Version A) where they do not conflict with the general terms of approval issued by NSW Rural Fire Service.
19. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
20. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
21. If the work involved in the erection or demolition of a building:

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- 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.

22. The corrugated roofing on the club house contains asbestos and must be disposed of in accordance with legislation.

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.

23. Capacitors within light fittings in the club house may contain PCBs. During demolition light capacitors should be appropriately disposed of.
24. The provision of a stormwater retention and re-use tank system for each dwelling (10,000 litre minimum for each dwelling) as designed in the "Water Sensitive Urban Design Report" prepared by STORM Consulting, dated April 2003.
25. For each dwelling, stormwater run-off from the overflow from the stormwater retention tank and all other hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to an infiltration trench, positioned parallel to the contours of the site at the highest practicable level. Overflow from each dispersal trench shall be piped to the proposed bio-retention cut off trench, to run along the entire outside perimeter of the right of carriageway. The bio-retention trench is to be backfilled with free draining material and planted over with a dense cover of native vegetation.

NOTE 1: A separate infiltration trench shall be provided for each dwelling.

NOTE 2: The dispersal trenches should be 700mm wide x 700mm deep x 1.0 metre run/10m² of area to be drained. Trenches should be fitted with half round PVC (450mm diameter) dome sections backfilled with crushed or round river gravel to

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within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

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

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

NOTE 5: A certificate from the installer is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

26. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
27. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
28. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
29. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
30. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
31. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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32. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

33. Landscape works shall be carried out in accordance with Landscape Drawing No 55.03/138 prepared by Ian Jackson and dated November 2003 submitted with the Development Application, except as amended by the following:

- all garden areas are to be planted out – ground covers can be planted between shrubs.

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

35. 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.

36. 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
Row of Casuarinas/ adjoining property to the east	3.0 metres

37. 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.

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

38. 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.

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39. 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).
40. 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.
41. 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 THREE (3) ADDITIONAL DWELLINGS IS CURRENTLY \$99,171.60. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13

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4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Lindfield	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

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

The Waste Management Plan shall be prepared in accordance with Development Control Plan 40 with due regard for the safe disposal of asbestos.

The Site Management Plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

43. The plans submitted for the Construction Certificate shall include all bushfire construction measures compliant with **Level 3 (for lots 2 and 3)** and **Level 1 (for lot 1)** construction under Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas, and the recommendations (Section 3 and 4) of the “Bushfire Hazard Assessment for Bushfire Safety Authority – Subdivision for three dwellings, Lots 1, 2, 3. 102 Wellington Road, East Lindfield”, prepared by Holmes Fire & Safety, reference :Project No. 97248.01, dated 16 May 2003, Version A. A certificate shall be provided by a suitably qualified and experienced bushfire consultant to the Principal Certifying Authority that the plans approved for the Construction Certificate comply with these recommendations.
44. **DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application. For any new footpath and driveway levels in the Road Reserve, levels must be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's

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specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note: 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.

45. For stormwater control, the provision of an interceptor drainage system to capture and convey all stormwater runoff arriving at the subject property from upslope areas to the Council or public drainage system and bypassing any systems designed for the site only. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Council's including the 100-year ARI. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
46. The property drainage system (gutters and downpipes) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual and the drainage conditions of consent. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

47. The use of blue metal around stormwater pits or subsoil drainage is not allowed. Crushed or round river gravel is to be used instead.
48. Submission of construction drawings and specifications for the proposed stormwater retention and re-use system for each dwelling, prepared by a suitably qualified and experienced hydraulic engineer. These must be submitted for approval by the Principal Certifying

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Authority prior to issue the Construction Certificate. The design must incorporate the following provisions proposed in the “Water Sensitive Urban Design Report” and “drawing 1”, by STORM Consulting, dated April 2003 submitted for DA approval.

- i. The design is to note compliance with the BCA and AS 3500.2 & AS3500.3:1998.
 - ii. A stormwater retention tank is required for each of the dwellings. Each tank is to be 10KL volume (minimum) and provided with pumping equipment. The tanks and pumps are to be readily accessible for maintenance and cleaning purposes.
 - iii. Provision of leaf gutter guards to all roof gutters.
 - iv. An air gap being provided at the top of each tank.
 - v. Mains backflow prevention devices being installed at all relevant locations
 - vi. Sediment sump of 150mm minimum being provided at the base of each tank
 - vii. All recycled stormwater outlet points are to have permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.
 - viii. The provision of water mains back-up system to each collection tank.
 - ix. Evidence of Sydney Water approval to the proposed system.
 - x. All toilet flushing, laundry, hot water and garden tap water usage for each dwelling is to be sourced from the respective stormwater retention tank on each lot.
 - xi. system is to utilise stormwater from corresponding stormwater retention and re-use system.
 - xii. The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
 - xiii. An overflow system from the stormwater retention tank to the infiltration and bio-retention trench system generally as shown on “drawing 1” by STORM Consulting.
 - xiv. Compliance with the “Interim Guidelines for the Installation of Rainwater Tank Systems in Urban Areas where a reticulated Potable Water Supply is Installed” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW dated 11 June 2002.
49. Submission for approval prior to issue of the Construction Certificate of design documentation for the driveway to the proposed new Lots. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles associated with construction of a residential dwelling, and complies with Australian Standard 2890.1 – 1993 “Off-street car parking”. A passing bay with minimum width 5.5 metres for a minimum distance of 6 metres is to be provided adjacent to lot 1.
50. A CASH BOND/BANK GUARANTEE of \$6000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the 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.

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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.

51. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

52. 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.
53. 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.
54. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

55. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.

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56. To preserve existing trees, no work shall commence until a fence is erected along the front eastern boundary to prevent any activities, storage or the disposal of materials beneath the canopies of trees located in the adjoining property. The fences shall be maintained intact until the completion of all demolition/building work on site.
57. To preserve existing bushland, no work shall commence until a fence is erected along the front northern boundary of the site to prevent any activities, storage or the disposal of materials within the adjacent bushland. The fence shall be maintained intact until the completion of all demolition/building work on site.
58. 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.
59. 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

60. 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.
61. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
62. The creation of a Positive Covenant pursuant to Section 88B of the Conveyancing Act 1919, burdening the area for a distance of 40 metres, in width inside the northern boundary of 102 Wellington Road for the purpose of an inner protection area, the terms of which state that this area shall be selectively hand cleared to:
 - a. Remove leaf litter
 - b. Removal all weeds
 - c. Cut off just above ground level shrubs and bracken
 - d. Remove any branches of trees up to 3.0 metres above ground level
63. The creation of a Positive Covenant pursuant to Section 88B of the Conveyancing Act 1919, burdening each lot with the requirement that prohibits the use of 'brushwood fencing'.

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64. The development shall not be occupied until a certificate is provided by a suitably qualified and experienced bushfire consultant that the development complies with the construction standards and measures outlined in Level 1 and Level 3 construction, as applicable under AS3959 - Construction of Buildings in Bushfire Prone Areas, and the recommendations (Section (Section 3 and 4) of the “Bushfire Hazard Assessment for Bushfire Safety Authority - Subdivision for three dwellings, Lots 1, 2, 3. 102 Wellington Road, East Lindfield.” prepared by Holmes Fire & Safety, reference: Project No 97248.01, dated 16 May 2003, Version A (where it does not conflict with the general terms of approval of NSW Rural Fire Service).
65. The dwellings approved under DA 617/2003 are to be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to issue of a Subdivision Certificate by Council.
66. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, prior to occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.
67. Construction of the stormwater reuse/retention and infiltration/bioretenion systems is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, that:
 - i. The use of blue metal around stormwater pits or subsoil drainage is not allowed. Crushed or round river gravel is to be used instead.
 - ii. The design incorporates the features noted in the “Water Sensitive Urban Design Report” and “drawing 1”, by STORM Consulting, dated April 2003.
 - iii. The design complies with the BCA and AS 3500.2 & AS3500.3:1998.
 - iv. A stormwater retention tank (minimum volume 10Kl) is installed for each of the dwellings and that tank and pumps are readily accessible for maintenance and cleaning purposes.
 - v. Leaf gutter guards are provided to all roof gutters.
 - vi. An air gap is provided at the top of each tank.
 - vii. Mains backflow prevention devices are installed at all relevant locations.
 - viii. Sediment sump of 150mm minimum is provided at the base of each tank
 - ix. All recycled stormwater outlet points have permanently affixed plaques in readily observable locations which read “Recycled Stormwater - Not For Drinking” or equivalent.

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- x. There is provision of water mains back-up system to each collection tank.
- xi. Sydney Water has approved the proposed system.
- xii. All toilet flushing, laundry, hot water and garden tap water usage for each dwelling is sourced from the respective stormwater retention tank on each lot.
- xiii. There is an automatic irrigation system for watering purposes on each dwelling and that each irrigation system utilises stormwater from the respective stormwater retention and re-use system.
- xiv. There are filtration devices on each system to ensure no blockage of delivery plumbing systems.
- xv. That overflow from the each stormwater retention tank is to the infiltration and bioretention trench system generally as shown on “drawing 1” by STORM Consulting.
- xvi. Compliance with the “Interim Guidelines for the Installation of Rainwater Tank Systems in Urban Areas where a reticulated Potable Water Supply is Installed” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW dated 11 June 2002, has been achieved.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier. The Work-as-Executed drawing and Engineers certificate required by this condition must be submitted prior to Occupation or issue of a Subdivision Certificate.

- 68. Construction of the driveway access to proposed new Lots is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. Certification is to be provided to the Principal Certifying Authority prior to occupation or issue of a Subdivision Certificate.
- 69. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening each lot with the requirement to maintain the retention/reuse system (including collection tanks, filters, pumps, infiltration trenches, bioretention trenches and delivery plumbing), prior to occupation or the issue of a subdivision certificate. The stormwater retention and re-use system including collection tanks, filters, pumps, infiltration trenches, bioretention trenches and delivery plumbing is to be subject to regular maintenance to ensure that it is kept in good working order and the collection tanks are kept clean. The locations of the retention tanks are to be shown on the subdivision plan.
- 70. In order to maintain Council’s database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater reuse/retention design, the works-as-executed drawings and the Engineer’s certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation or release of the subdivision plan.
- 71. Prior to occupation or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council’s Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council’s Development Engineer.

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72. Prior to issue of the subdivision certificate, the submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Ku-ring-gai Council being named as the authority empowered to release, vary or modify the same.
73. Creation of burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all existing interallotment drainage lines, services or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.
74. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.
75. The provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.
76. The submission of an original Plan of Subdivision plus five (5) copies suitable for endorsement by the certifying authority. In addition, the following details are to be submitted with the Plan of Subdivision:
 - a. The 88B Instrument.
 - b. The Engineer's Certification of the stormwater retention/reuse facilities.
 - c. Any Surveyors Certification required by other conditions in this consent.
 - d. The Section 73 Compliance Certificate.

Note 1: The location of the retention tanks are to be shown on the linen plan

Note 2: Failure to submit the necessary information will delay release of the linen plan

BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

77. 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.

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- 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.

78. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structures prior to occupation.

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

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

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

- 79. 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.
- 80. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
- 81. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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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.

82. 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.

83. 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.

84. 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.

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- 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. Registered Surveyor's Report confirming that the 'height' of the building (as defined in the Ku-ring-gai Planning Scheme Ordinance 1971) does not exceed 8.0 metres.
- d. A Compliance Certificate that buildings are protected and comply with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.

C Swanepoel
**Executive Planner –
Roseville Ward**

R Kinninmont
**Team Leader, Roseville
Ward**

M Miocic
**Director
Environment &
Regulatory Services**

23 TO 25 STANLEY STREET, ST IVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To address matters raised at the site inspection of 13 March 2004 and for Council to determine a development application for the demolition of existing structures and construction of a SEPP 5 development.
BACKGROUND:	Council at its meeting of 9 March 2004 deferred consideration of the application pending a site inspection.
COMMENTS:	The matters raised at the site inspection are addressed in this report.
RECOMMENDATION:	That the additional information be noted and that the application be approved, subject to conditions.

PURPOSE OF REPORT

To address matters raised at the site inspection of 13 March 2004 and for Council to determine a development application for the demolition of existing structures and construction of a SEPP 5 development.

BACKGROUND

An assessment report was prepared and considered by Council on 9 March 2004 where Council resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday 13 March 2004. The following matters were raised at the site inspection and are addressed accordingly:

1. **Is it possible to continue the masonry boundary fence along the southern boundary?**

It is possible to continue the masonry wall along the southern boundary of the subject site, however, it would interfere with and likely threaten the existing hedge plant screening and therefore this is not supported.

2. **Could the existing front stone fence be retained, not necessarily with the timber on top?**

The existing front fence can be retained, however, additional detail of the fence without the timber top at No 23 would be required. A suitable condition has been included in the recommendation. See Condition No 92.

3. **The drainage of the courtyard area is to be recycled.**

Condition 88 of the recommendation requires the installation of on site stormwater detention tanks and/or rainwater tanks which will allow the recycling of drainage from the courtyard area.

RECOMMENDATION

That Development Application 638/03 for the demolition of existing structures and construction of a SEPP 5 development consisting of 7 units and basement car parking for Lot A and Lot 1 in DP 320628 and DP 213105, being 23-25 Stanley Street, St Ives be approved for a period of 2 years, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 638/03 and Development Application plans prepared by Lindsay Little and Associates Pty Ltd, reference number 2804/03/4/7 dated 21 November 2003 and lodged with Council on 15 December 2003 and 2804/03/1/7, 2/7, 3/7, 5/7, 6/7 and 7/7, dated 11 February 2004 and lodged with Council on 12 February 2004.

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

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

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

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11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. 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.
13. 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.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. 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.

16. 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.

17. 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.

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

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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 safely 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 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.

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37. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
38. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
39. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
40. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
41. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
42. 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.
43. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
44. 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.
45. 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.
46. Courtyard fencing is to have a maximum height of 1.8metres.
47. the two (2) kerb ramps at the intersection of Stanley Street and Lynbara Avenue being upgraded to comply with AS1428, to Council's satisfaction.
48. 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

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spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

49. Transplanting of the Palms and Camellias nominated on the landscape plan shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Once relocated these plants shall be fenced off and temporarily irrigated under the supervision of the Arborist/ Horticulturist.
50. 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.
51. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
Tree 48 – <i>Cedrus deodara</i> (Himalayan Cedar) SE of Unit 4	7m
Tree 446 – <i>Lagunaria patersonia</i> (Norfolk Island Hibiscus) Adjoining property north of Unit 1	2.5m

52. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug to ensure that no roots of 50mm or greater are severed or injured:

Tree/Location	Radius From Trunk
Tree 241 – <i>Angophora costata</i> (Sydney Red Gum) Nature strip adjacent to existing driveway to No 25	8m
Tree 358 – <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) Nature strip adjacent to existing driveway to No 23	8m

53. 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.
54. 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

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the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

55. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the stormwater drainage system.
56. For stormwater control all balconies and paved areas are to be drained to the main drainage system.
57. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe and a minimum cover of 300mm can be provided, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
58. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual and generally in accordance with the concept On-Site Detention design by AFCE Consulting, drawings D1 and D2, project 333761 dated July 2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

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

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

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

NOTE 4: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

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59. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
60. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
61. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
62. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
63. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking" and the provisions of SEPP 5. The driveway and circulation aisles must accommodate two-way traffic.
64. Disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) to Council's stormwater system is not permitted. The applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.
65. A contractor with specialist excavation experience must undertake excavations the on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure.
66. In order to allow unrestricted access by Council's waste collection vehicles to the basement carpark garbage storage area, no doors or gates are to be provided blocking access in the access driveway to this area.

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67. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A 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.
69. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
70. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
71. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

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- 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 FIVE (5) ADDITIONAL DWELLINGS IS CURRENTLY \$60,591.50. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New Library bookstock	\$17.95
4.	New Public Art	\$2.93
5.	Acquisition of Open Space - St Ives	\$7,851.00
6.	Koola Park upgrade and reconfiguration	\$143.09
7.	North Turramurra Sportsfield development	\$986.80
8.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9.	Section 94 Officer for period of Plan 2000-2003	\$118.42
10.	Preparation of New SEPP 5 Residents Kit	\$22.44
11.	SEPP 5 S94 Study and Interim Plan, 2000-2003	\$108.95

To obtain the total contribution figure the occupancy rate for all SEPP 5 developments is 1.3 persons

73. Written evidence being submitted to Council that the two lots have been consolidated into one (1) lot.
74. The garbage storage room is to be designed in accordance with Council's DCP 40 and have sufficient space for the quality of waste generated and to promote source separation of materials. Details being submitted and approved prior to the release of the Construction Certificate.

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75. An amended plan and specification of the proposed landscape works for the site shall be submitted to Council and approved prior to the release of the Construction Certificate. The plan shall be in accordance with landscape drawing No 71/03 prepared by Sally Bourne Landscapes and dated 10 August 2003 except as amended as follows:
- The garden retaining walls at the rear of Unit 2 shall be relocated 1.5 metres to east so that no excavation occurs within 4 metres of Tree 558 located in the adjoining property at the rear.
 - The garden retaining walls at the rear of Unit 6 shall be relocated 1 metre to the east so that no excavation occurs within 4 metres of Tree 559 located in the adjoining property to the rear.
 - The retaining wall along the north west boundary adjacent to Unit 1 shall be relocated to be 1.5 metres away from Tree 446 in the adjoining property and 600mm inside the NW boundary to maintain natural ground level around the tree and along the boundary.
 - The *Syzygium luehmannii* (Small-leaved Lillypilly) street trees proposed adjacent to Tree 241 and Tree 358 shall be deleted.
 - Tree 405.1 – *Camellia japonica* (Japanese Camellia) shall be retained and shown on the plan.
 - An additional small tree (to 7 metres height) shall be planted in the front garden in front of Unit 1
76. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.
- The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.
77. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.
- Fifty percent (50%) of the 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.
78. A CASH BOND/BANK GUARANTEE of \$18,000 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.

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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

Tree 48 – <i>Cedrus deodara</i> (Himalayan Cedar)/ SE of Unit 4	\$5000
Tree 241 – <i>Angophora costata</i> (Sydney Red Gum)/ Nature strip adjacent to existing driveway to 25 Stanley St	\$5000
Tree 358 – <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig)/ Nature strip adjacent to existing driveway to 23 Stanley St	\$5000
Tree 143 – <i>Angophora costata</i> (Sydney Red Gum)/ close to street boundary of 25 Stanley St	\$3000

79. 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.

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

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

Tree/Location	Radius in Metres
Tree 241 – <i>Angophora costata</i> (Sydney Red Gum) Nature strip adjacent to existing driveway to No 25	8m
Tree 358 – <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) Nature strip adjacent to existing driveway to No 23	8m
Tree 143 – <i>Angophora costata</i> (Sydney Red Gum) close to street boundary of 25 Stanley St	4m

81. A Telstra pit lies in the path of the proposed new driveway crossing. As Telstra has requirements concerning access to services that it provides the Applicant is to confer with Telstra regarding the existing Telstra pit in the footpath area. The requirements of Telstra are to be obtained prior to the issue of the Construction Certificate and a copy of Telstra's requirements are to be provided to the Principal Certifying Authority (PCA) prior to the issue

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of the Construction Certificate. The requirements of Telstra must be met prior to issue of the Final Compliance Certificate/occupation.

82. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

83. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
84. Provision to Council, prior to the issue of a Construction Certificate, of a \$10,000.00 bond. This bond is to cover the restoration by Council of any damage to Council's infrastructure along the site frontage or within close proximity to the subject development, or for any incomplete works, as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

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- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
- b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

85. Submission of construction details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:

- SEPP 5 parking design requirements (as amended December 2000), and
- Australian Standard 2890.1 – 1993 “Off-street car parking”, and
- The 2.5 metre headroom requirement of SEPP 5, and the 2.44 m clearance under DCP40 for waste collection trucks.

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

86. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system. Details are to be prepared by a suitably qualified and experienced civil/environmental engineer for approval prior to issue of the Construction Certificate.

87. Provision of on-site stormwater retention trenches and/or rainwater tanks which are to be designed to have a void-space and/or tank-space available volume which is sufficient to capture and retain the first 10mm of rainfall from the total subject property after which the trenches/tanks are to be designed to bypass and divert to the main drainage system. Appropriate sediment and litter arrestor pits/provisions are to be provided upstream from these trenches/tanks. Any rainwater tanks are to be located so that they may be readily used for landscaping watering purposes. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: Retention trenches may be achieved by the use of a separate low-level outlets from pits located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to retention trenches in preference to roof runoff.

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- NOTE 3: Trenches shall be 700mm wide x 700mm deep and fitted with half round PVC (450mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: Trenches are to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of trenches.
- NOTE 6: Trenches are not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Maximum capacity of an individual rainwater tank to be 3000 litres.
- NOTE 8: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.
- NOTE 9: Rainwater tanks must not be located on the front facade of a dwelling.
- NOTE 10: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 11: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 12: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 13: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 14: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 15: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

88. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code (AS3500). These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

89. Full construction drawings of the proposed method of achieving the requirements for on-site stormwater detention (OSD), and supporting calculations, are to be prepared by a suitably qualified and experienced consulting engineer. Details must be submitted to, and approved by, the Principal Certifying Authority prior to issue of the Construction Certificate.
90. Provision of a basement stormwater pump-out system for the driveway ramp runoff and subsurface drainage. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

91. The existing front stone fence being retained, not necessarily with the timber on top (located in front of No 23 Stanley). Details being submitted and approved by Council prior to the issue of a Construction Certificate.
92. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
93. 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.
94. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre.

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Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

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

Tree/Location

Tree 241 – *Angophora costata* (Sydney Red Gum)

Nature strip adjacent to existing driveway to No 25 Stanley St

Tree 358 – *Ficus microcarpa 'Hillii'* (Hills Weeping Fig)

Nature strip adjacent to existing driveway to No 23 Stanley St

96. No demolition or building work shall commence until the area beneath the canopy of the following tree excluding that area of the proposed building shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. Where the building breaches the protection zone the fence shall be located 1.5 metres outside the line of the building and the area between the fence and the building shall be mulched to a depth of 75mm. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location

Tree 48 – *Cedrus deodara* (Himalayan Cedar)/

SE of Unit 4

Radius From Trunk

6 metres

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

Tree/Location

Tree 145 – *Celtis Sp*

Tree 143 - *Angophora costata* (Sydney Red Gum)

Tree 142 – *Ulmus procera Van Houtie* (Elm)

Tree 405.1 – *Camellia japonica* (Japanese Camellia)

Radius in Metres

2.5m

4m

2.5m

2m

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Located in a group near the street boundary – fence together using the existing front wall as part of the fence

Tree 405 – *Citharexylum spinosum* (Fiddlewood) 3.5m

98. 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.
99. 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.
100. The Applicant shall produce a Traffic Control Plan, in general 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), addressing all of the following matters:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a No-Parking zone for the full site frontage prohibiting on-street parking in this location.

Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate and prior to any work on site. The Plan shall be prepared by a suitably qualified and

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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. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE/OCCUPATION

101. 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.
102. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
103. Prior to issue of the Final Compliance Certificate, signage must be installed at the car park entry to warn pedestrians of vehicles exiting the car park. Further signage must be installed near the car park exit to warn egressing drivers to beware of pedestrians passing the driveway.
104. A contractor with specialist excavation experience must undertake excavations on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and Prior to issue of the Final Compliance Certificate/Occupation, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :-
 - a) According the relevant Australian Standards and guidelines, and
 - b) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
105. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.
106. Submission of certification to the Principal Certifying Authority from a suitably qualified and experienced civil/traffic engineer prior to occupation, that:
 - a) The car park space dimensions and vehicular headroom requirements of SEPP 5 (as amended December 2000) and AS2890.1 are met for all parking spaces and areas, and

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- b) Council's requirements under DCP 40 for waste collection vehicles (height 2.44m) are met in the basement carpark, especially at the basement entrance and exit thresholds. This is to specifically include certification that necessary headroom requirements are met beneath all suspended service lines in the relevant areas of the basement carpark, including stormwater and sewer lines, and
- c) All driveways and circulation aisle widths, grades, meet the requirements of AS2890.1. and the relevant conditions of consent.
- d) The standard Council waste collection truck can enter the basement carpark, access the waste collection bay and egress the basement carpark with the use of one reverse movement only.

107. The creation of a Restriction-on-Use under the Conveyancing Act, prior to Occupation, restricting the occupation of the premises to:

- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
- b. People who live with such people as defined in (a) above.
- c. Staff employed to assist in the administration of and provision of services to housing provided in this development.

108. Construction of the property stormwater drainage system, including pollution control measures, is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, prior to Occupation, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the entire property stormwater drainage system, prepared by a registered surveyor, is also to be submitted and approved by the Certifier prior to Occupation.

109. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval prior to occupation or issue of an Occupation Certificate. Certification is to be provided by a suitably qualified engineer and the WAE is to be prepared by a registered surveyor. The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.

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- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- invert levels
 - surface or pavement levels
 - floor levels including adjacent property floor levels
 - maximum water surface level to be achieved in the storage zone
 - dimensions of basin(s), tank(s), pit(s), etc.
 - location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
 - storage volume(s) provided and supporting calculations
 - size of orifice(s)
110. The basement stormwater pump-out system is to be regularly inspected and maintained by suitably qualified personnel. Prior to the issue of an occupation certificate, the Applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let to this effect.
111. The creation of a Positive Covenant and Restriction on the Use of Land under the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and pollution control system on the property prior to occupation or the issue of an occupation certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
112. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
113. The following works must be undertaken in full, at the Applicants cost, prior to issue of the Final Compliance Certificate/issue of any subdivision certificate, and prior to release of the infrastructure bond:
- Construction of a fully new concrete driveway crossing and layback (levels and specifications must be obtained from Council prior to issue of the Construction Certificate).

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- Removal of all redundant driveways and laybacks, and partial sections thereof, fronting the development site, and reinstatement to match existing adjacent infrastructure. The maximum crossfall on the pedestrian footpath is to be 3% where redundant driveways are removed.
- Full repair of all damaged areas of public infrastructure, caused as a result of the subject development to the satisfaction of Council's Development Engineer.

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

115. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

BUILDING CONDITIONS

116. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

117. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

118. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

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- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

119. 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.
120. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.
121. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
122. 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.
123. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
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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.

124. 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.

125. 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.

126. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.

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- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Registered Surveyor's Reports confirming approved floor levels for all floors.
127. The development is to meet the requirements of Clause 13A(2) – (20) (inclusive) of State Environmental Planning Policy No 5. A compliance certificate is to be submitted from a suitably qualified person to the effect that the development complies with the relevant design standard.
128. Compliance with the red notations overdrawn on the consent plans.

G Bolton
Team Leader, St Ives Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: Original report to Council dated 27 February 2004

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DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	6 DUNEBA AVENUE, WEST PYMBLE - DEMOLITION OF EXISTING DWELLING AND GARAGE AND THE CONSTRUCTION OF A DETACHED DUAL OCCUPANCY DEVELOPMENT
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1597/03
SUBJECT LAND:	6 Duneba Avenue, West Pymble
APPLICANT:	Dobbin & Company Pty Ltd, c/o Glendinning Minto & Associates
OWNER:	Dobbin & Company Pty Ltd
DESIGNER:	Rob Crump Design Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2'B'
HERITAGE:	No
PERMISSIBLE UNDER:	State Environmental Planning Policy No.53
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Dual Occupancy Development Control Code, Development Control Plan No 43 - Carparking, Development Control Plan No 40 - Waste Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy No 53 – Metropolitan Residential Development (SEPP 53), State Environmental Planning Policy No 55 – Metropolitan Residential Development (SEPP 55)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	4 December 2003
40 DAY PERIOD EXPIRED:	13 January 2004
PROPOSAL:	Demolition of existing dwelling and garage and the construction of a detached dual occupancy development
RECOMMENDATION:	Conditional consent

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DEVELOPMENT APPLICATION N^o 1597/03
PREMISES: 6 DUNEBA AVENUE, WEST PYMBLE
PROPOSAL: DEMOLITION OF EXISTING DWELLING
AND GARAGE AND THE CONSTRUCTION
OF A DETACHED DUAL OCCUPANCY
DEVELOPMENT
APPLICANT: DOBBIN & COMPANY PTY LTD, C/O
GLENDINNING MINTO & ASSOCIATES
OWNER: DOBBIN & COMPANY PTY LTD
DESIGNER ROB CRUMP DESIGN PTY LTD

PURPOSE FOR REPORT

To determine a development application for two, two storey dwellings as a detached dual occupancy development.

EXECUTIVE SUMMARY

- existing dwelling and garage to be demolished
- construct two, two storey dwellings to create a detached dual occupancy development
- three letters of objection received
- the proposal complies with the requirements of SEPP 53
- recommended for conditional consent

THE SITE

Zoning:	Residential 2'B'
Visual Character Study Category:	1945-1968
Lot Number:	39
DP Number:	27290
Area:	853.33m ²
Side of Street:	Western
Cross Fall:	North-western (rear) to south eastern (street)
Stormwater Drainage:	To the street via on-site detention
Heritage Affected:	No
Required Setback:	12.0 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No
Section 94 Contributions:	Yes

SITE DESCRIPTION

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Located on the western side of Duneba Avenue, opposite the Duneba Avenue local shops, the site has an east-west orientation of 49.99 metres with a 17.07 metres frontage to Duneba Avenue. The site is rectangular in shape, with a total site area of 853.33 square metres.

Existing improvements consist of a single storey brick residence with a single garage under that are to be demolished.

The surrounding built environment is a mixture of architectural styles and materials. The immediately adjoining residences are single storey with ridge heights of RL 85.20 to the dwelling on the northern side No 8 Duneba Avenue and RL 83.95 to the dwelling on the southern side of No 6 Duneba Avenue. The existing dwelling on the subject property has a ridge height of RL 83.75.

THE PROPOSAL

Is a new front fence part of the proposed development? Yes
Is a new swimming pool part of the proposed development? No

The proposal is for the demolition of the existing dwelling and garage and the construction of two, two storey dwellings as a detached dual occupancy development.

The development will comprise the following:

House A:	Basement Floor	Double Garage
	Ground Floor	Porch, entry, lounge, study, family/kitchen/meals. A courtyard is accessed via the family and meals areas.
	First Floor	Three bedrooms and bathroom. Bedroom 1 includes walk-in-robe and ensuite.
House B:	Ground Floor	Double garage, porch, entry, family/meals/kitchen, laundry, powder room. A courtyard is accessed via the meals and family areas.
	First Floor	Two bedrooms, bathroom and WC.

The existing vehicular entry and garage are located along the southern boundary and the proposal maintains this driveway as access to both dwellings.

The garaging for House A (which addresses Duneba Avenue) is provided in the excavated area below the ground floor at right angles to the driveway. The garaging for House B (at the rear of the site) is contained within the dwelling at ground floor level.

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

The following comments have been received:

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D W Alexander & Co on behalf of D J & L M Alexander	4 Duneba Avenue, West Pymble
John Yeats	8 Duneba Avenue, West Pymble
Ares Siu & Mei Yi Leung	196 Ryde Road, West Pymble

Location of House B, 4.0 metres from rear boundary is too close.

The design by positioning of House B, 4 metres from the rear boundary provides adequate area for screen landscaping to the private open space and the windows and doors at ground floor level, thereby mitigating the visual bulk as observed from the adjoining property to the rear 196 Ryde Road. Clause 4.9.1 of Council's Dual Occupancy Development Control Code requires a minimum 7.5 metres setback from the rear boundary.

Loss of privacy to the backyard and rumpus room from House B.

There would be no loss of privacy to the rear yard and rumpus room of 196 Ryde Road, given the screen landscaping proposed along the western boundary consisting of eight camellia sasanqua's, one jacaranda mimosifolia and two syncarpia glomulifera's on the subject property, and the absence of windows to the first floor rooms that have been designed as rooms within the roof.

Loss of sunlight to the rear yard of 196 Ryde Road and overshadowing of adjoining single storey dwellings.

Concern has been raised by adjoining residents to the south and west in relation to potential loss of solar access. Development on this site, be it a dual occupancy or single dwelling will give rise to increased overshadowing of the rear yard due to the east/west site orientation.

The existing dwelling at 6 Duneba Avenue casts shadows over the adjoining northern wall of 4 Duneba Avenue. Additional overshadowing occurs to 50% the existing window at 9.00am and this is not considered unreasonable given that the window has full solar access by noon.

The private open space at 4 Duneba Avenue is in self shadow throughout the day due to the site's east-west orientation and the location of the structures on site

No dual occupancies exist nearby and is out of character.

State Environmental Planning Policy No.53 specifically provides for dual occupancy development on the subject site.

A search of Council's consents register does not reveal that there are dual occupancies in close proximity. However dual occupancy is permissible on land zoned residential and it is not a prerequisite that other dual occupancies have to be established adjacent or in close proximity.

Are current utilities capable of meeting additional loads?

Utilities including water, sewage, gas and electricity are available to the site.

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Stormwater will be controlled by on-site detention with controlled discharge to the street.

Both dwellings should be relocated closer to the east – Duneba Avenue.

House A is positioned 12 metres from Duneba Avenue and is compliant with Clause 4.9.1 of Council's Dual Occupancy Development Control Code.

To reposition the development closer to Duneba Avenue would have a detrimental impact on the streetscape.

The proposal is an overdevelopment of the site.

The proposal complies with the height and floor space ratio controls and all other controls excepting minor non-compliances with the building envelope and some setback controls.

Clause 4.9.3 of Council's Dual Occupancy Development Control Code prescribes a maximum built-upon area of 40% on the site in circumstances where both dwellings are two storeys.

The proposed development has a built-upon area of 52%.

Whilst a single residential development is limited to a 60% built-upon area under the KPSO and 52% for such an allotment size under DCP 38. Condition No 86 requires a 9m² reduction in the built-upon area which will also result in a larger courtyard area for House A.

In the light of the above and the absence of adverse impacts the departure is not substantial enough to warrant refusal of the application.

Inadequate parking for the shops opposite.

This proposal does not impact on the parking for the local shops as both dwellings are provided with garaging for two vehicles in accordance with Council's Dual Occupancy Code (Clause 4.7.1).

The proposed House A is not compatible with the existing scale of development.

Proposed House A is two storeys with garaging under. Council's Heritage and Urban Design Officer comments that, due to the location of the garage, House A is higher than it should be.

The surrounding dwellings are a mixture of architectural styles, materials of construction and ages. The proposed dwelling has a maximum ceiling height of 5.9 metres and this will reflect the height, bulk and scale of new dwellings that would prevail on adjoining allotments. As previously stated the adjoining dwelling at Nos 4 and 8 Duneba Avenue have ridge heights of RL 83.95 and RL 85.20, respectively. The one part two storey dwelling at No 10 Duneba Avenue has the main ridge height (for the two storey section) of RL 88.64 and the single storey section at RL 86.26.

The proposed ridge height for House A is RL 87.65 and, as previously mentioned, the two storey house is in keeping with the streetscape having regard to height, bulk and scale.

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House B stands too close to the common boundary of 4 Duneba Avenue.

House B is situated 1.5 metres from the boundary of 4 Duneba Avenue and is set back approximately 4.6 metres from the front of the garage located in the rear yard. This separation is satisfactory given that there is no potential for overlooking as the accommodation is designed as rooms with the roof and one south-facing highlight window to Bedroom 3. The window to Bedroom 3 is required by the Building Code of Australia to have an area of 5% of the 10.98 square metres of floor area for ventilation and 10% for natural lighting.

The window provided has an area of 0.75 square metres of glazed area and this is compliant with the Building Code of Australia for ventilation, Condition No 110 has been included in the recommendation requiring the inclusion of a skylight to Bedroom 3.

Impacts of the proposed retaining wall on 4 Duneba Avenue.

The proposed retaining wall adjacent to the common boundary of 4 Duneba Avenue has a maximum cut of 2 metres.

Currently, the driveway is cut 1.2 metres at the front of the existing garage to 1.7 metres at its rear. The additional 300mm cut and the provision of a retaining wall to structural engineer's details as indicated on the architectural plans will not impact on the adjoining property.

To ensure adequate protection of No's 4 and 6 Duneba Avenue due to the development, Condition 84 has been included in the recommendation requiring the submission of a dilapidation report prior to the issue of the Construction Certificate.

CONSULTATION - WITHIN COUNCIL

Development Control Engineer

No concerns are raised subject to the imposition of conditions.

Landscape Development Officer

An inspection of the property was conducted on 28 January 2004. Amended plans were viewed on 18th February, 2004.

This application is not supported.

The applicant has submitted a Tree Assessment & Report prepared by Footprint Green Pty Ltd and dated 28th November, 2003. Of the 27 trees included in the applicant's tree report, only 13 trees (of which 6 trees are 5 metres or less in height) are located within the subject site.

One healthy Jacaranda mimosifolia (Jacaranda), of 8 metres height, 7 metres canopy spread and located adjacent to the site's northeastern (front) corner, has been omitted from the tree report

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although it and other small trees have been included on the applicant's landscape plan prepared by Ian Jackson – Landscape Architects Pty Ltd.

Of the 14 trees located within the subject site, 9 trees are to be removed for construction of the proposed dual occupancy. Two of the 5 trees to remain are small, 2 are medium and only 1 is visually prominent.

The 9 trees proposed for removal are described as following:

- *T6-Lagunaria patersonia (Norfolk Island Hibiscus), of 9 metres height and healthy condition, is located at the southern edge of the proposed driveway and retaining wall.*
- *T7-Jacaranda mimosifolia (Jacaranda), of 11 metres height and healthy condition, is located adjacent to the site's southern boundary. The driveway excavation will compromise the tree's stability.*
- *T8-Franklinia axillaris (Gordonia), of 7 metres height and healthy condition, is located 2 metres east of the southeastern corner of House B and at the southern edge of the driveway.*
- *T9-Angophora costata (Sydney Red Gum), of 22 metres height, 13 metres canopy spread and healthy condition, is located within the driveway - 1 metre forward of the garage for proposed House B. This tree will require removal to permit access to the garage. The tree's canopy is described as being of fair condition in the applicant's tree report, however, when recently inspected by Landscape Services, it displayed full terminal growth in very healthy condition. This tree carries 5 large and some small dead branches that should be removed from its lower canopy. This tree and another Angophora costata (Sydney Red Gum), located close to the northern side of the site's rear garden, form a continuous canopy with other canopy trees growing within adjoining properties. These trees are visually prominent from Duneba and Dunoon Avenues and Ryde Road.*
- *T16-Jacaranda mimosifolia (Jacaranda), of 8 metres height and healthy condition although of poor form, is located close to the site's central rear boundary within 3 metres of the rear wall of House B.*
- *T24-Camellia japonica (Japanese Camellia), of 4 metres height and healthy condition, is located between the site's northern boundary and proposed House B. It is to be transplanted.*
- *T25-Camellia japonica (Japanese Camellia), of 5 metres height and healthy condition, is located between the site's northern boundary and proposed House A. It is to be transplanted.*
- *T26-Camellia japonica (Japanese Camellia), of 5 metres height and healthy condition, is located between the site's northern boundary and proposed House A. It is to be transplanted.*
- *T27-Camellia sasanqua (Chinese Camellia), of 6 metres height and healthy condition, is located between the site's northern boundary and proposed House B. It is to be transplanted.*

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The subject site is considered unsuitable for the proposed development due to the proposed removal of the Angophora costata (Sydney Red Gum) located close to its southern side boundary. Any future proposed redevelopment of the site should respect both Angophora costata (Sydney Red Gum) located within its rear garden area.

Other issues noted in relation to this application are:

- *The planting strip between the driveway and the southern side boundary has been increased to 700 mm width by reducing the driveway by a corresponding width. This slightly improves the provision of space for providing screen planting along the southern boundary.*
- *The landscape plan incorporates well below the 50% of tree and shrub plantings that are to be selected from the Sydney Turpentine/Ironbark Forest species list as the site is located within 300 metres of bushland.*
- *The open space provision for House B appears inadequate and crammed with vegetation due to the dual necessity to provide visual screening to adjoining properties.*

The removal of the significant Angophora costata (Sydney Red Gum) located on the southern side of the site allows access to the garage of Dwelling B and, given the existing site layout incorporating the driveway along the southern boundary, the removal of the tree is unavoidable.

The other concerns raised in the landscape report have been addressed by Condition No's 49, 51 and 75 which require a 6 metres wide protection zone to the Angophora costata and any services located within that are to be provided by thrust boring so that the rest system is not damaged, the transplantation of the camellia's adjacent to the sites rear boundary (See Condition No 51) and a detailed screen planting plan of the northern and southern sides and rear boundary (See Condition No 75).

Heritage & Urban Design Officer

Streetscape/Context

The existing dwelling is one of series of modest bungalows from the last half of the 20th century. The existing building is red brick while the others are painted. One of these has had a first floor addition. Each is set up higher than the street and has a driveway consisting of wheel strips at one side of the house.

Bulk, form & scale

The proposal includes a two-storey dwelling at the front, which is raised above ground level in order to fit a garage underneath. This is similar to the arrangement of the existing house but the decision to place the garage underneath has two undesirable consequences. It places the house higher than it needs to be, exaggerating its additional height, and it necessitates a significant cut in the land. Both these characteristics will accentuate the additional bulk of house A as seen from the entrance drive. House A would be more acceptable in my view if it were set lower at the front and

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had a garage on grade at the rear. The fenestration of house A could be improved by introducing more consistent proportions (eg a more vertical proportion in upper windows).

Solar design

Both houses have unshaded, west-facing windows. Some external shading should be introduced by means of pergolas and the like.

Private open space

House B has a long narrow garden at the rear, which is not ideal, especially since it is shaded by trees on the neighbouring property. I would prefer to see house B moved forward to give a wider garden.

Conclusion

House A should be reduced in floor area and have rooms in the roof like house B. This would give the development a more attractive street elevation and provide more room for private open space. The shared driveway should not be as deeply excavated as proposed to preserve more of the natural land form.

The concerns relating to the provision of rooms with the roof to Dwelling A are not supported, the surrounding dwellings are considered to be of an age that major remodeling will occur and or demolition with the replacement structures being of a similar scale on the basis of the maximum heights and FSR permissible under the KPSO, DCP 38 and Council's Dual Occupancy Code.

Condition No 40 has been included in the recommendation requiring the provision of shading devices to the west-facing windows.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

This application is a Local Development under Part 4 of the Environmental Planning & Assessment (Amendment) Act and the proposal requires development consent under the State Environmental Planning Policy No 53.

- State Environmental Planning Policy No 53 - Metropolitan Residential Development
- State Environmental Planning Policy No 55 - Remediation of Land
- Ku-ring-gai Planning Scheme Ordinance
- Development Control Plan No 43 - Car Parking
- Development Control Plan No 40 - Waste Management
- Development Control Code - Dual Occupancy

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State Environmental Planning Policy No 53

Clause 17 allows development that results in two dwellings being located on the one allotment of land in any zone that permits a dwelling-house to be erected.

Clause 18 permits, with Council's consent, the creation of a dual occupancy development.

Clauses 19 and 20 specify development standards that must be complied with. A summary of compliance is as follows:

Development Standard	SEPP 53 Requirement	Proposal	Compliance
Allotment Size	600 m ²	853.3m ²	Yes
Floor Space Ratio	0.5:1	0.43:1	Yes
Car Parking	2 car spaces for each dwelling with a gross floor area of more than 150 sqm.	2 car spaces provided for both dwellings	Yes

Clause 31 states the following:

- (1) *Consent must not be granted for development to which this Part applies unless the consent authority has taken into account a site analysis prepared in accordance with this clause.*
- (2) *A site analysis must:*
 - (a) *contain information, where appropriate, about the site and its surrounds as described in schedule 5 (Site Analysis), and*
 - (b) *be accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis.*

The submitted information is satisfactory to enable a proper consideration of the proposal in terms of clause 31.

A summary of compliance with the design principles of Clause 32 of SEPP 53 is as follows:

a. Streetscape

Duneba Avenue consists of one and two storey dwellings of varying architectural styles and materials.

House A will have no adverse impact on the streetscape as it is well articulated, will add interest to the existing streetscape and is located in the approximately location of the dwelling to be demolished that is 12.0 metres from Duneba Avenue.

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b. Visual & Acoustic Privacy

With regard to visual privacy of the adjoining owners, screen planting is proposed along the northern, southern and western boundaries which will mitigate any loss of privacy to adjoining allotments.

Concern has been raised relating to loss of privacy from House B to the rumpus room and rear yard of 196 Ryde Road, however this is addressed by the fact that the first floor to House B is designed as rooms in the roof and there are no windows in the western elevation. Privacy loss from the ground floor living areas is not possible due to Council's requirement for a 1.8 metre high paling fence and the screen landscaping proposed along the western boundary.

Accordingly, the proposal will provide a relatively private and quiet living environment for the future occupants as well as the neighbours.

c. Solar Access & Design for Climate

The sites orientation is east to west and the proposed living areas to both dwellings are located in the north-western portion of the ground floor and receive adequate daylight. Both private opens spaces receive adequate sunlight.

As previously discussed the loss of solar access to No 4 Duneba Avenue is minor.

d. Stormwater

All stormwater is to be discharged to the existing watercourse via an on-site detention system. Council's Development Control Engineer has commented that the proposal is acceptable in this regard, subject to conditions. In this regard, the proposal complies with the relevant objectives of SEPP 53.

e. Crime Prevention

The proposed development will allow natural surveillance of the entry to the site and the approaches to each dwelling. The proposal satisfies this provision of SEPP 53.

f. Accessibility

The number of parking spaces provided complies the provision of SEPP 53 and, given the small scale of the proposed development, it is considered unreasonable to require additional parking for visitors.

g. Waste Management

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Suitable space exists on the property for the storage of waste management containers. Although this has not been shown on the submitted plans, it has been resolved by Condition No.85 of the recommendation.

h. Bulk

The building form, setbacks and height of the proposed development consistent with that of surrounding development.

The proposal provides an acceptable presentation to the street and will relate adequately to the built environment of the locality. The architecture within the street is varied in respect to height, bulk, scale and style. Having considered the size and scale of the surrounding developments, the proposal is in keeping with the area.

State Environmental Planning Policy No 55

SEPP 55 aims to set an approach for the remediation of contaminated land. Clause 7 of the SEPP requires Council to consider whether the land is likely to be contaminated prior to the determination of development consent.

The site is currently used for residential purposes and, as such, the proposed development seeks consent for a residential development under the provisions of SEPP 53. There are no records that indicate the site is contaminated.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The Ku-ring-gai Planning Scheme Ordinance does not contain any specific controls in relation to Dual Occupancy developments. However, the aims and objectives of the Ordinance as outlined in Schedule 9 are applicable to this application.

The proposal satisfies the aims and objectives of Schedule 9 of the KPSO and is reasonable in the circumstances.

Clause 60c (2) of the KPSO generally applies maximum built-upon area of 60%. The proposed built-upon area of 52% is compliant.

Development Control Plan 43-Carparking

Development Control Plan No 43 requires the following provisions:

Minimum 1 car space per dwelling under 125m².
Minimum 2 car spaces per dwelling in excess of 125m².

The proposed dwellings are each more than 125m² in area and two car spaces have been provided for each occupancy, thus meeting the DCP requirements. SEPP 53 accords with this DCP requiring two spaces where a dwelling is more than 150m².

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Council's Dual Occupancy Code

Council has prepared a Development Control Code consistent with the requirements of Section 72 of the Environmental Planning and Assessment Act 1979. The code is intended to complement the statutory requirements of State Environmental Planning Policy No 53 in relation to "dual occupancy" type development.

This Code became effective on 16 April 2003, after the subject application was lodged with Council. As the Code does not contain any savings provisions, an assessment of development against the provisions of the Code has been carried out.

In the case of any inconsistency between this code and the provisions of State Environmental Planning Policy No 53, the provisions of State Environmental Planning Policy No 53 shall prevail.

A summary of compliance against the policy standard is as follows:

Standard	Requirement	Compliance
Streetscape	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes.
Visual character	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes.
Architectural design.	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes.
Roof pitch.	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes.
Fences.	Consider visual character study, existing fences, and landscape character.	Yes.
Visual privacy.	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens courtyard walls.	Yes.
Acoustic privacy.	Minimise noise transmission, relationship to major roads.	Yes.
Solar access.	Maximise north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes.

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Energy efficiency	Designed to reduce energy use, consider thermal properties of construction materials.	Yes.
Watercourses and drainage systems.	Retain ecological integrity. 100 year flood, riparian zone, etc..	Not Applicable.
Stormwater disposal.	Site detention, reuses, and effect on vegetation.	Yes.
On site detention.	Should be considered.	Yes.
Water conservation.	Particular plumbing fittings.	Yes. Subject to specific conditions.
Rainwater tanks	Should be considered.	Not proposed
Site and building design.	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes.
Lighting.	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes. May be imposed by specific conditions.
Vehicle access.	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, and safety. Heritage significance, existing trees.	Yes.
Car parking.	Numbers, size, location, sympathetic to development.	Yes.
Disabled access.	Travel paths, etc.	Yes. To ground floor
Waste storage facilities.	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes. Subject to specific conditions.
Building setbacks	Regard existing and pattern of street. Setback between occupancies 7 metres. Side and rear to allow for landscaping. Upper level setbacks. Single storey setbacks.	<ul style="list-style-type: none"> • Front – Yes, 12 metres proposed • Setback between houses A and B – Yes, 9 metres in lieu of 7 metres • Northern side – No, minimum 1.5 in lieu of 2 metres • Southern side – Yes, dwelling A 4.3 metres in lieu of 2 metres

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		<ul style="list-style-type: none"> Southern side – No, dwelling B 1.5 metres in lieu of 2 metres. Western side – No, dwelling B 4.0 metres in lieu of 7.5 metres.
Building form.	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes.
Built upon area.	40%	No. 52% proposed
Floor space ratio.	0.5:1	Yes. 0.43:1
Building height.	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	Yes.
Building envelope.	Comply with standard for development	No. Non compliance for House A and B
Cut and fill.	Maximum 1800mm.	Yes.
Views.	Protect significant views.	Not Applicable
Private open space.	Comply with standard for development	Yes. Including 5m x 5m minimum dimension
Protection of bushland.	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Not Applicable
Heritage.	Consider heritage impacts both within and outside the site.	Not Applicable
Site and waste management.	Prepare site management plan.	Yes. Condition to be imposed.
Pollution control.	Comply with Draft DCP No.47	Yes. Condition to be imposed.

Built Upon Area

The proposal will result in a built-upon area of 52%. This is in excess of Council's Dual Occupancy Development Control Code of 40%. The non-compliance is due to the driveway and turning area required for safe and efficient vehicular access from the site.

To provide additional private open space to House B and reduce the built upon area by 9.4 square metres as indicated on the plans, the turning bay can be shortening by 3 metres for a

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depth of 1.5 metres and the reduction of the driveway adjacent to the entry of House B gains 1.3 square metres and adjacent to the rear of House A 3.6 square metres is gained with the built-upon area being 51%

In addition to the reduction in built-upon area the private open space for House B can be increased by 10 square metres, by the realignment of the 1.8 metres high lapped and capped fence at right angles to the northern boundary.

Condition No 86 has been included in the recommendation requiring the submission of revised plans that reduce the built-upon area to 51% and the realignment of the lapped and capped fence and at 90° to the northern boundary as indicated on the approved plan.

The allotment area is more than sufficient in size to accommodate the detached dual occupancy development, especially considering that SEPP 53 requires a minimum of 600 square metres.

If a notational subdivision line is applied along the lapped and capped fence between both houses then the following approximate built-upon area figures are:

House A

Site Area	523.75 square metres
Footprint	148.41 square metres
Driveway	<u>91.00 square metres</u>
	239.41 square metres

The built-upon area is 45%.

House B

Site Area	329.45 square metres
Footprint	127.90 square metres
Driveway	<u>50.40 square metres</u>
	178.30 square metres

The built-upon area is 54%.

The built upon area figures for the notional allotments are both below the 60% allowable under the provisions of the KPSO and are satisfactory.

Setbacks

The northern side setbacks of the proposed dwellings is 1.5 metres in lieu of Council's Code requirement of 2 metres, however, in spite of this, there is adequate area for the provision of screen planting.

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The southern side boundary setback to dwelling B is also 1.5 metres in lieu of Council's Code requirement of 2 metres, however, the proposed screen landscaping will still ensure adequate visual screening and privacy.

The western wall of House B is set back a minimum of 4 metres from the boundary in lieu of the required 7.5 metres and the proposed screen planting and spatial separation of the dwelling at 196 Ryde Road will ensure that adequate privacy is maintained.

Building Envelope

Dwelling A breaches the building envelope along the northern boundary at the eaves level for a length of 6.85 metres.

Dwelling B breaches the building envelope at the gabled ends of the north-south ridge. The northern elevation encroaches 400mm for a length of 1.2 metres and the southern elevation encroaches 900mm for a length of 2.7 metres.

Both encroachments are of a minor nature and do not warrant modification of the roof forms.

2. Likely Impacts

The proposed development involves a detached dual occupancy in an established urban area of Gordon. It will involve the construction of two dwellings as a dual occupancy development.

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants as the site is neither within a wilderness area nor an area of critical habit.

All relevant impacts of the development in terms of the amenity of adjoining residents have been considered and it is found that the likely impacts on the visual privacy, solar access and general amenity of the adjoining dwellings to the south and west are acceptable, subject to conditions.

3. Suitability of The Site

The site is situated in the midst of an established residential area and is adequate in terms of the provisions of SEPP No 53. Additionally, there are no known environmental or infrastructure constraints to its development. All services are available and there are no hazards such as contaminated land, bushfire, flooding or the like. The size shape and topography of the site are sufficient to sustain the development without giving rise to unreasonable adverse environmental impacts.

4. Any Submissions

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Three submissions were received as result of the notification process. These submissions have been addressed earlier in the report.

5. Public Interest

In the circumstances of the case, the public interest is served by the orderly economic development of land in a form which is well mannered in terms its design and siting. Given the foregoing assessment, it is considered that the development as proposed is satisfactory in this regard. In addition, the broader public interest is served by the better utilising public infrastructure by permitting opportunities for two dwellings to be developed on a single allotment.

6. Section 94 Contributions

This proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development.

Any other Relevant Matters Considerations Not Already Addressed

There are no other relevant matters for consideration.

CONCLUSION

The proposal seeks to make use of a residential allotment with a design and siting that, subject to the recommended conditions, will be an acceptable development pursuant to the considerations of Section 79C of the Environmental Planning and Assessment Act.

Notwithstanding some non-compliances with numeric provisions, the proposal meets the objectives of Council's Dual Occupancy Control Code and the Ku-ring-gai Planning Scheme Ordinance. It fully meets the requirements of SEPP 53 and aims to make more efficient use of the land, as envisaged the SEPP.

The proposal is compatible with the streetscape in terms of built form and is of benefit to the local community by the way of introducing greater housing choice without significant impacts on neighbours. All the issues raised through the community consultation have been addressed within the report.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

That Development Application No 1597/03 for the construction of a Detached Dual Occupancy Development on Lot 39, DP 27290, 6 Duneba Avenue, West Pymble be approved for a period of 2 years from the date of determination, subject to the following conditions:

GENERAL CONDITIONS

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1. The development to be in accordance with Development Application No.1597/03 and Development Application plans prepared by Rob Crump Design Pty Ltd, reference number 1744/01, 02 & 03, dated 28 November 2003 and lodged with Council on 4 December 2003 & 2 March 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the

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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. 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.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. 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.

16. 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.

17. 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.

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18. 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.

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

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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. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
33. 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.

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34. 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.
35. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
36. 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.
37. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
38. 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.
39. The development shall contribute to water conservation through the installation of appropriate water conservation devices as follows:
 - Maximum 6/3 litre dual flush cisterns
 - Shower heads with reduced water flow devices
 - Garden watering systems (if installed) shall incorporate drip rather than spray mechanisms.
 - Garden beds should be mulched to retain water and reduce evaporation during extended dry periods.
40. Sunshading devices are to be provided to the west facing windows of both dwellings. Details of which are to be submitted for approval.
41. 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.

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Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

42. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
43. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
44. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
45. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
46. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
47. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
48. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
T18- <i>Angophora costata</i> (Sydney Red Gum) Close to the site's central northern boundary	6.0 metres

49. 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 surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

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Tree/Location	Radius From Trunk
T18- <i>Angophora costata</i> (Sydney Red Gum) Close to the site's central northern boundary	6.0 metres

50. 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.
51. 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/Location

T24, T25, T26, T27, T37a, T38, T39, T40-8 *Camellia sp.* (Camellia)
Adjacent to the site's rear boundary

52. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
53. 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

Acer negundo (Box Elder)
Asparagus densiflorus (Asparagus Fern)
Celtis sp. (Nettle Tree)
Cinnamomum camphora (Camphor laurel)
Cotoneaster sp. (Cotoneaster)
Erigeron karvinskianus (Seaside Daisy)
Hedera helix (English Ivy)
Hedychium gardnerianum (Ginger lily)
Impatiens balsamina (Impatiens)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Senna pendula (Cassia)
Tradescantia albiflora (Wandering Jew)

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Wisteria sp. (Wisteria Vine)

54. 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.
55. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
56. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

- NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.
- NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

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NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

57. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
58. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

59. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
60. The minimum internal dimensions for any double enclosed garage shall be 5.6m wide x 5.4m, without any obstructions such as doorways and footsteps.
61. Construction of the concrete access driveway to the proposed dwellings. The driveway entrance and crossing width is to be widened in order to comply the AS2890.1 requirement for a 5.5m width for the first 6 metres into the property. The balance of the driveway is to be constructed with a minimum width of 2.9 metres in accordance with Australian Standard 2890.1 – 1993 "Off-street car parking".
62. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking".
63. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved

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plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.

64. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
65. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

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

66. 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.
67. 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).
68. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs,

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

69. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
70. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$12,459.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Pymble	\$1,966.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
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Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

71. A revised plan that indicates the on-site location of waste management facilities for each dwelling is to be submitted and approved by Council.
72. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

73. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

74. To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 50% of the tree and shrub planting on the landscape plan for the site shall be selected from the Sydney Turpentine/Ironbark Forest assemblage of vascular plants (included) as the site is located between 100 and 300 metres from bushland.
75. A plan detailing screen planting of the site's northern and southern side and rear boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3 metres.
76. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

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77. The 4 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.
78. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the 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.

79. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

T18-*Angophora costata* (Sydney Red Gum)
Close to the site's central northern boundary.

80. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter

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Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

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

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

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

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

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83. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front façade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

84. Dilapidation reports prepared by a qualified Structural Engineer are to be submitted for properties numbered 4 and 8 Duneba Avenue, West Pymble.
85. A Waste Management Plan complying with Development Control Plan No.40 – Waste Management, is to be submitted and approved by Council.
86. Revised plans are to be submitted with the Construction Certificate application that reduce the built-upon area to 51% by reducing the turning circle to House B and the driveway as indicated on the approved plans.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

87. 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.
88. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
89. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
90. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.
- The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.
91. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location

Radius in Metres

T4-*Magnolia x soulangiana* (Magnolia)
Adjacent to the site's central front boundary

2.5metres

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T19-*Magnolia grandiflora* (Bull-bay Magnolia) 4.0 metres
Adjacent to the site's central northern boundary

T41-*Jacaranda mimosifolia* (Jacaranda) 4.0 metres
Adjacent to the site's northeastern (front) corner

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

Tree/Location	Radius From Trunk
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T5- <i>Camellia sasanqua</i> (Chinese Camellia) Between the driveway and the site's south-eastern (side) boundary	1.5 metres
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T18- <i>Angophora costata</i> (Sydney Red Gum) Close to the site's central northern boundary	5.0 metres
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93. 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.
94. 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

95. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
96. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.

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97. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. 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.

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

98. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
99. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:
- The works were carried out and completed in accordance with the approved plans.
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

100. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.

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

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

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

BUILDING CONDITIONS

101. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

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102. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
103. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

104. 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.
105. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.
106. 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.

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107. 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.

108. 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.

109. 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.

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110. To comply with the provisions of the Building Code of Australia (Clause 3.8.4) a skylight having a minimum area of 1 square metre is to be provided in the roof of Dwelling B, over bedroom 3.

B Banning
**Special Projects
Officer**

M Miocic
**Director
Environment & Regulatory Services**

Attachments: **Location Sketch**
 Elevations
 Shadow Diagrams
 Landscape Plan

14 ARTHUR STREET KILLARA - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To address matters raised at the site inspection of 13 March 2004 and for Council to determine a Section 82A application for Council to review its' refusal of consent for demolition of the existing dwelling and swimming pool and the construction of detached dual occupancy dwellings.

BACKGROUND:

Council at its meeting of 9 March 2004 deferred consideration of the Section 82A application pending a site inspection.

A site inspection occurred on 13 March 2004.

COMMENTS:

The matters raised at the site inspection are addressed in this report.

RECOMMENDATION:

That the additional information be noted and that the Section 82A application, be determined by Council granting consent, subject to conditions.

PURPOSE OF REPORT

To address matters raised at the site inspection of 13 March 2004 and for Council to determine a Section 82A application for Council to review its' refusal of consent for demolition of the existing dwelling and swimming pool and the construction of detached dual occupancy dwellings.

BACKGROUND

The original proposal was refused by Council on 25 November 2003 for the following reasons:

- 1. The development does not positively contribute to an attractive residential environment because the entrance as seen from the street is dominated by garages.*
- 2. The development does not positively contribute to an attractive residential environment because the scale of No. 14 has not been satisfactorily broken down from a full two-storey design. The development does not adopt building heights at the street frontage that are compatible in scale with adjacent development.*
- 3. The development proposes an unsatisfactory relationship between the rear garden and living room of No. 14. The development does not ensure adequate daylight to the rear garden of No. 14 given the level difference between the existing natural ground level and level of the proposed rear garden, which will result in damp, dark conditions. The building form and siting do not satisfactorily relate to the site's landform.*
- 4. The proposed development has not addressed the design principles provided in clause 32 of State Environmental Planning Policy No. 53 – Metropolitan Residential development which relate to streetscape, solar access and design for climate and visual bulk.*

The applicant submitted revised plans with a Section 82A Review Application on 12 January 2004.

The revised plans were as a result of an our site meeting with Mr Czeref consultant acting for Council, Mr Cox Council's Development Control Officer and Applicant's representations on 23 December 2003.

At Council's meeting of 9 March 2004, Council resolved to defer consideration of the 82A Review Application and revised plan pending a site inspection.

The site inspection was carried out on Saturday 10 March 2004. The following matters were raised at the site inspection and are addressed accordingly:

- 1. Was the built-upon area increased by the erection of the vehicle turning bay.*

To allow vehicles to egress from the site in a forward direction the surface area of the driveway has been increased and therefore the built-upon area is increased from 46.6% to 48.60%.

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2. *In relation to landscaping, proposed at the street frontage, what is the proposed height and how long will it take to mature?*

The proposed landscaping at the street frontage is shown on the Landscape Plan prepared by Sally Bourne which has been assessed by Council's Landscape Development Officer and recommended for approval.

The plants nominated on the landscape plan will reach a height ranging from 500mm to 8 metres. Council's Landscape Development Officer advised it would take approximately 5 years for the plants to reach their full maturity.

3. *In relation to the existing fence, can the OSD be set back further from the front boundary to allow a greater landscaped area?*

The OSD tank for Dwelling No 14A could be set back a further 1.0 to 1.5 metres from the front boundary to allow for additional area for landscaping. This has been addressed by Conditions 50 and 56a.

4. *It is noted that the existing plant screening is generally located on Council's road reserve in front of the property.*

Council's landscape development officer raised no objections to the proposed landscape plan which includes additional planting in Council's road reserve.

5. i. *The Councillors present noted confusion in relation to the notification of the application. There may have been less response from the neighbours due to the notification.*

ii. *Whether consideration can be given to a report in relation to the notification of Section 82A review application.*

iii. *In relation to a Section 82A application, is notification necessary where there is less impact?*

iv. *Can amendments be made in conjunction with an 82A review?*

(i.-ii.) The Director Environment & Regulatory Services has sent a further letter to all the residents who were originally notified but didn't object.

The letter advised the surrounding property owners that Council detected in the previous letter sent to them notifying of the Section 82A Review Application that it did not specify a time for them to respond. The subsequent letter sent on 11 March 2004, corrected this omission by inviting the owners to examine the full sized plans at Council and allowing any comments by no later than 22 March 2004. Copy of letter attached.

(iii.) Notification is still required irrespective of whether there may be less impact by amended plans.

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- (iv.) Amendments can be made to the plans in conjunction with an 82A Review pursuant to Section 82A(3A) of the Environmental Planning and Assessment Act 1979 which states the following:

“In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4)(c)

- (c) *in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.”*

6. Can the height of the ridge of the proposed 14A dwelling be related to the proposed development at No 16 approved under DA888/02?

In calculating the difference in ridge height between the ridge of the proposed 14A dwelling and the proposed ridge height of the first floor bedroom at premises 16 Arthur Street, the survey plan submitted with Development Application 888/02 16 Arthur Street was used.

The ridge height for proposed 14A dwelling is approximately RL 99.5 and the ridge height to the first floor bedroom for premises 16 Arthur Street is approximately RL 96.8, being a height difference of 2.7 metres.

The roof height of 14A dwelling complies with Part 4.2.3 of Council's Dual Occupancy Development Control Code. Part 4.2.3 design requirements and controls for roof pitch states as follows:

“For single storey development of where the first floor is fully contained within the roof space the maximum roof height should be 5.0 metres and for all other dwellings the maximum roof height should be 3.0 metres.”

The roof height for 14A dwelling is approximately 4.2 metres which satisfies the design requirements of Part 4.2.3 of Council's Dual Occupancy Development Control Code.

7. A confidential report on the status of the legal proceedings is to be prepared, and the status of Council's expert witness.

A confidential prospects of success report has been prepared and is included as part of the Confidential Business Paper.

8. Mr Bailey is to consult the resident of No 10 Arthur Street in relation to the Court matter.

The resident concerned was Mr Horden of 12 Arthur Street not 10 Arthur Street. Mr Bailey informed Mr Horden that the applicant had lodged an appeal to the Land and Environment Court for deemed refusal with the call over set down for 11 March 2004. The hearing date has been set down for 27 April 2004.

9. *Whether the setback distance is too small in relation to the retaining walls from the northern and southern site boundaries?*

The applicant indicated on site that his client would agree to design the southern side wall of the bathroom, walk-in robe and Bedroom 1 to Dwelling No 14 as a retaining wall to allow for a greater area for screen planting. The space between the northern wall of Dwelling No 14 and the proposed retaining wall varies between 900mm to 1.0 metre as scaled off the plan sheet 3 of 3 prepared by Lindsay Little & Associates Pty Ltd, dated 24 December 2003. The retaining wall on the northern side of Dwelling No 14 cannot be moved any closer to the dwelling as this area is required for access to the rear yard without going through the dwelling.

The above changes have been addressed by Condition 56a.

10. *Whether the traffic impacts are satisfactory?*

Council's Development Control Engineer raised no issues to traffic impact and stated that the existing public road will satisfactorily handle the increase in traffic resulting from the proposed development.

CONSULTATION - COMMUNITY

In accordance with Council's Policy, adjoining owners and previous persons that objected were given notice of the original development application.

Two further submissions of objection were received from the following property owners:

Chow Boey 16 Arthur Street, Killara.
Robert Lesser 23 Arthur Street, Killara.

Chow Boey, 16 Arthur Street, Killara.

The proposed garage and bedroom above approved under Development Application 888/02 had to be lowered 1.3 metres in order for the 'integrity' of the streetscape to be maintained. They request Council apply the same objective to the proposed roof line of 14 Arthur Street, Killara.

The proposed first floor to 14A dwelling complies with Part 4.2.3 of Council's Dual Occupancy Development Control Code in that the roof is contained within the roof space and the roof height does not exceed 5.0 metres.

The proposed detached dual occupancy dwelling will not impact on the existing streetscape and is consistent with other two storey dwellings in Arthur Street.

Mr Robert C Lesser – 23 Arthur Street, Killara

Concerns raised about a subdivision of 14 Arthur Street which is already small for Arthur Street in general and is totally inappropriate.

Council does not presently have any application for subdivision of premises 14 Arthur Street, Killara. Any subdivision will be assessed on its merits if and when a development application for such is lodged.

The proposal not consistent with the residential character of the area

Although the proposed dual occupancy is not consistent with other developments in the surrounding area, the proposal is permitted under SEPP 53 with the consent of Council. The proposed design issues have been adequately addressed in the earlier report to Council's meeting 9 March 2004 and the recommendation is for approval, subject to conditions.

Concerns over the proposed landscaping and the 5 years to reach full growth appearance.

Conditions 50 and 56a require an amended landscape plan which provides a greater area for screen planting.

Council's Landscape Development Officer raised no objections to the original Landscape Drawing No 65/03 prepared by Sally Bourne Landscapes, dated 19 July 2003.

The applicant had agreed at Council site inspection of 13 March 2004 to modify the landscape plan to comply with Conditions 50 and 56a.

All new landscaping takes a certain time to reach maturity and there do not appear to be any particular circumstances in this case that would warrant super advanced or mature species if in fact these could be sourced.

Object to Council's response regarding the accident prone common driveway onto Arthur Street.

The revised plans for the driveway will allow vehicles to egress in a forward direction. This is an improvement on the current driveway, which does not have any turning area.

***The revised plans meets the objections of SEPP 53 and Ku-ring-gai Dual Occupancy Development (Council's opinion not shared by nearby residents).
Concerns over built-upon area.***

The above concerns have been addressed earlier in the report and proposal is considered satisfactory in this regard, notwithstanding the numerical non-compliance.

CONCLUSION

To provide a greater area for landscaping it is recommended that Condition 50 be modified and an additional condition (Condition No 56a) be included as follows:

Condition 50 as recommended to Council meeting 9 March 2004 to be amended to read:

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50. The landscape drawing No 65/03 prepared by Sally Bourne Landscapes and dated 19 July 2003 is to be modified to show additional screen planting to a mature height of 3.0 metres between the southern boundary and southern wall of dwelling 14 and in front of the detention tank for Dwelling 14A.

Revised plans to be submitted with the Construction Certificate plans showing the above changes.

New Condition 56a to read:

56a. To provide a greater area for landscaping:

- i. the retaining wall adjacent to the southern wall of Dwelling No 14 is to be deleted and the southern external wall of Dwelling No 14 is to be designed as a retaining wall to support the excavated ground level.
- ii. the detention tank to Dwelling 14A is to 2.0 metres from the front boundary to allow a greater area for landscaping. The Construction Certificate plans are to show the above changes.

RECOMMENDATION

That resulting from a review of determination under Section 82A of the Environmental Planning and Assessment Act, Development Application No. 937/03 for demolition of an existing dwelling and swimming pool and construction of a detached dual occupancy, being Lot A DP 375034 (No. 14) Arthur Street, Killara, be approved for a period of up to two (2) years from the date of the Notice of Determination, subject to the following conditions.

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No.937/03, lodged with Council on 28 July 2003 and amended Development Application Plans prepared by Lindsay Little and Associates Pty Ltd, reference number Drawings 1 and 2, dated 24 December 2003 and Drawing 3, dated 13 January 2004, plans prepared by Sally Bourne Landscapes, reference number 65/03, dated 19 July 2003 and plans prepared by Neilly Davies & Partners Pty Ltd, reference number SW1, dated July 2003.
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 works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

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

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

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.

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.

With regard to the proposed rock breaking the following conditions are to be observed:

- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
 15. 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.
 16. 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 Certificate.
 17. Compliance with the general terms of approval issued by the Rural Fire Service and the Department of Infrastructure Planning and Natural Resources.(as follows).
 - 17a. Rural Fire Service
 - a. Construction should comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.

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18. 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.
19. An energy assessment is to be submitted for the new dwelling achieving as a minimum a NatHERS rating of 3.5 stars. Thermal insulation is to be provided to the roofs, walls and ceilings of the new works.
20. West facing windows shall be provided with adequate shading devices.
21. Adequate lighting is to be provided to all paths, accessways, parking areas and building entries so as to enhance amenity and security around dual occupancy dwellings. Refer to Clause 4.6.3 of Council's Dual Occupancy Code.
22. Locks are to be installed on all windows and doors, with chains and viewers to be installed on all front doors. Where security grills are fitted, they are to be sympathetic to the architectural style of the dwelling and not to restrict surveillance.
23. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
24. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
25. 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.
26. 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.
27. 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.
28. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

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29. 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.
30. 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.
31. 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.
32. 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.
33. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
34. 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.
35. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
37. 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.
38. 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.

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39. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
40. 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.
41. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
42. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
43. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Unless otherwise approved, separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

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

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

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

44. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

45. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
46. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking".
47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the

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“e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

48. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council’s Tree Preservation Order.

49. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
50. The landscape drawing No 65/03 prepared by Sally Bourne Landscapes and dated 19 July 2003 is to be modified to show additional screen planting to a mature height of 3.0 metres between the southern boundary and southern wall of Dwelling 14 and in front of the detention tank for Dwelling 14A.

Revised plans to be submitted with the Construction Certificate plans showing the above changes.

51. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
52. The 5 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council’s Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
53. 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.
54. On completion of the LANDSCAPE WORKS/TREE PLANTING , a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
55. 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.

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56. 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, Blechnum sp., Cinnamomum camphorum, Hedera sp.,

- 56a. To provide a greater area for landscaping:

- i. the retaining wall adjacent to the southern wall of Dwelling No 14 is to be deleted and the southern external wall of Dwelling No 14 is to be designed as a retaining wall to support the excavated ground level.
- ii. the detention tank to Dwelling 14A is to 2.0 metres from the front boundary to allow a greater area for landscaping. The Construction Certificate plans are to show the above changes.

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

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

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

58. 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).
59. 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

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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.

60. 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.
61. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93

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7.	Acquisition of Open Space - Killara	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

62. Prior to the release of the Construction Certificate revised plans showing :

- a. a hip roof over bedroom 2 in house indicated as No.14 on all elevations so as to be consistent with the first floor plan shown on Sheet 1 of 3 drawn by Peter Rae, dated 17 July 2003.
- b. To preserve the privacy to the private open space at the rear of Dwelling No.14A a condition will be imposed requiring the sill height of the study room window in the northern wall to be not less than 1.6 metres above finished floor level.

63. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing

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which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

64. A *CASH BOND/BANK GUARANTEE* of \$4000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

65. A Waste Management Plan to be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

66. 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.
67. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
68. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Rothmania sp</i> / rear boundary	2.0 metres
<i>Camellia japonica</i> /rear boundary	2.0 metres

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

70. 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.
71. **A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.**
72. Prior to issue of the Final Compliance Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
73. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. 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.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
74. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate.
75. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Final Compliance Certificate or issue of the Subdivision Certificate.
76. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the

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Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

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

77. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Final Compliance Certificate, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

BUILDING CONDITIONS

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78. 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.
79. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

80. 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.
81. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor of Dwelling No.14 and No.14A shall be submitted to the Principal Certifying Authority on completion of that floor.
82. 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

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horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

83. 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.

84. 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.

85. 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.

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86. 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. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.
 - d. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

A Bailey
Team Leader, Comenarra Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Location sketch**
 Development plans
 Shadow diagrams
 Original report to Council meeting of 9 March 2004
 Council's resolution
 Council's letter to the neighbours