

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 1 FEBRUARY 2005**

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

**Staff Present:** General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Planning & Environment (Leta Webb)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### **1 APOLOGIES**

File: S02194

Councillors M Shelley (Business Commitments) and G Innes AM (Prior Commitments) tendered an apology for non-attendance on 1 February and 15 February 2005 and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

That the apology by Councillors M Shelley and G Innes AM for non-attendance be accepted on 1 February and 15 February 2005 and leave of absence be granted.

**CARRIED UNANIMOUSLY**

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

## DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

- Refers GB.6: 5 Murdoch Street, Turramurra - Demolition of a Dwelling and Construction of a Detached Dual Occupancy - Memorandum from Director Development & Regulation dated 31 January 2005
- Refers GB.13: Amendments to Water Management Development Control Plan (DCP 47) - Memorandum from Director Technical Services dated 1 February 2005

## CONFIRMATION OF MINUTES

### 2 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 14 December 2004

Minutes numbered 610 to 648

#### Resolved:

(Moved: Councillors Malicki/Ebbeck)

That Minutes numbered 610 to 647 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 648.

**CARRIED UNANIMOUSLY**

### 3 STAFF MATTER

*(Section 10A(2)(a) - Personnel matters concerning particular individuals)*

File: S03001

*Vide Minute No 648*

#### Resolved:

(Moved: Councillors Malicki/Lane)

That Minute No 648 be adopted as printed with it being noted that Councillor Malicki departed during discussion and Councillors Bennett and Cross had departed earlier.

**CARRIED UNANIMOUSLY**

## MINUTES FROM THE MAYOR

### 4 Australia Day 2005 Honours

File: S02184

I am proud to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been recognised in the Australia Day 2005 Honours.

I would like to read to you the names of these special Ku-ring-gai citizens and the honours that have been bestowed upon them:

**Mr Kevin John Best: Medal of the Order of Australia (OAM).** Awarded for service to the arts as a landscape painter, and to the community through fundraising support for a range of charitable organisations.

**Mrs Susan Hewison Conde: Member of the Order of Australia (AM).** Awarded for service to the community through organisations and advisory bodies that promote the interests of women, to youth through the Guiding movement, and to the Uniting Church of Australia.

**Mrs Lesley Jennifer Conn: Member of the Order of Australia (AM).** Awarded for service to the community through administrative and fundraising roles in support of a range of health and welfare organisations.

**Mr Harvey Leslie Cooper: Member of the Order of Australia (AM).** Awarded for service to the judiciary and to judicial education, and to the community through offender rehabilitation programs.

**Mrs Hazel May Hebbes: Member of the Order of Australia (OAM).** Awarded for service to the community, particularly through the New South Wales branch of the Australian Society for Inter-Country Aid to Children.

**Dr John Stanley Keniry: Member of the Order of Australia (AM).** Awarded for service to industry and to applied science in agricultural and environmental settings through promoting research and development for improved social and economic outcomes, and to youth.

**Mrs Robyn Jennifer Lenn: Medal of the Order of Australia (OAM).** Awarded for service to the Jewish community through the National Council of Jewish Women.

**Mr William Robert McComas: Member of the Order of Australia (AM).** Awarded for service to business and commerce in the field of competition and corporate law through the Trade Practices Commission.

**Professor John G L Morris: Member of the Order of Australia (AM).** Awarded for service to neurology and neurological education, particularly Parkinson's disease and movement disorders.

**Mr Daniel Petre: Officer (AO) in the General Division.** Awarded for service to business, particularly in information technology, and to the community through philanthropic support for medical research, promotion of work/life balance and educational organisations.

**Dr Neil Craig Shepherd: Member of the Order of Australia (AM).** Awarded for service to public administration, particularly through innovative policy reform relating to

environmental regulation resulting in the establishment of the New South Wales Environment Protection Authority.

**Mrs Gwenda Mary Stutchbury: Medal of the Order of Australia (OAM).** Awarded for service as a volunteer at St Lucy's School for Vision Impaired Children.

**Mrs Jean Florence Vincent: Medal of the Order of Australia (OAM).** Awarded for service as a volunteer at St Lucy's School for Vision Impaired Children.

**The Rev. Roy Arthur Wotton: Medal of the Order of Australia (OAM).** Awarded for service to the Anglican Church in Australia, particularly through the pastoral care of veterans and their families. Rev. Wotton no longer lives in Ku-ring-gai but is well known for his service as Minister at St Johns Anglican Church, Gordon, and as Padre to the Ku-ring-gai Regiment.

For their service to the Ku-ring-gai community in particular, Council recognised the following people on Australia Day:

Our award for **Individual Outstanding Service to the Community** went to **Mrs Nancy Pallin** for the great work she has done over 25 years in helping to protect Ku-ring-gai's natural environment;

The **Group category winner for Outstanding Service to the Community** was **The Ku-ring-gai Neighbourhood Centre**, whose caring and dedicated volunteers do a wide range of valuable community work;

**Ku-ring-gai Young Citizen of the Year** is **Miss Hannah Ware**, a Year 12 student of Abbotsleigh who initiated and led a major school-wide project to raise funds and awareness for Dr Catherine Hamlin's Fistula Hospital in Ethiopia; and

Our **Citizen of the Year** is **Mrs Carroll Howe** who has spent more than 20 years voluntarily serving the community in positions with Zonta, Neighbourhood Watch, school councils and as chair of the Ku-ring-gai Police and Community Safety Committee.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

**Resolved:**

- A. That Council acknowledge the outstanding contribution made by these recipients of the Australia Day 2005 Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That Council also acknowledge the outstanding contribution made by those recipients of the Ku-ring-gai Council Community Awards to the Ku-ring-gai community and to the well-being of our society.
- C. That the Mayor write to each of the recipients on behalf of Council and the people of Ku-ring-gai congratulating them on their awards.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

- 5      **81 Clanville Road, Roseville - Heritage Property - Objection to Proposed Long Day Care Centre - (Four Hundred & Four [404] Signatures)**

File: DA1266/04

We object to the proposed Long Day Care Centre on the grounds that it will:

1.      Significantly and unacceptably reduce safety for motorists, passengers and pedestrians, particularly young children and the elderly using Clanville Road.
2.      Significantly and unacceptably increase traffic congestion in Clanville Road.
3.      Materially adversely affect the amenity of Clanville and surrounding roads, and
4.      Increase the likelihood of traffic lights being installed at the intersections of Clanville, Archbold and Carnarvon Roads with the consequence of unacceptably causing Clanville Road to become a major thoroughfare.

### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

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

**CARRIED UNANIMOUSLY**

## **REPORTS FROM COMMITTEES**

- 6      **Minutes of Inspections Committee**

File: S02131

Meetings held 11 December 2004 and 15 January 2005, inclusive  
Minutes numbered INS23 to INS24, and INS1 to INS2

### **Resolved:**

(Moved: Councillors Lane/Malicki)

- A.      That Minutes numbered INS23 and INS24 of 11 December 2004 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.
- B.      That Minutes numbered INS1 and INS2 of 15 January 2005 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting and it being noted that Councillor Ebbeck was present.

**CARRIED UNANIMOUSLY**

## **GENERAL BUSINESS**

7      **5 Murdoch Street, Turramurra - Demolition of a Dwelling and Construction of a Detached Dual Occupancy**

File: DA0867/04

Ward: Wahroonga

Applicant: Louise and Robert Clark

Owner: Louise and Robert Clark

To determine Development Application No.867/04, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy.

### **Resolved:**

(Moved: Councillors Cross/Andrew)

- A. That consideration of DA0867/04 at 5 Murdoch Street, Turramurra be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution:            The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Malicki*

*Against the Resolution:    Councillors Ebbeck, Hall and Lane*

8      **8 Woodlands Road, Lindfield - Alterations, Additions and Carport**

File: DA935/04

Ward: Roseville

Applicant: MC Jacques

Owner: MC & CA Jacques

To determine development application NO 935/04, which seeks consent for a detached double carport, a water tank and additions and alterations to an existing dwelling.

This matter has been called to Council by Councillor Innes.

### **Resolved:**

(Moved: Councillors Malicki/Lane)

- A. That consideration of DA935/04 at 8 Woodlands Road, Lindfield be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution:*        *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Lane, Malicki*

*Against the Resolution:*    *Councillor Bennett*

9        **2 Cynthia Street, Pymble - Additions and Alterations to Existing Dwelling, New Pool, Cabana and Front Wall**

File: DA582/04

Ward: Comenarra

Applicant: Loraine Unicomb

Owner: Loraine Unicomb

To determine development application DA582/04 which seeks consent for additions and alterations to existing dwelling, new swimming pool, cabana and front wall.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 582/04 for additions and alterations to the existing dwelling, and construction of a new garage and swimming pool, cabana and front wall on land at 2 Cynthia Street, Pymble, as shown on plans 01 to 07, dated February 2004, and prepared by Design Confidential for the following reasons:

**Streetscape**

1. The location of the double garage forward of the building façade of the house results in an adverse streetscape impact.

Particulars

- (i) The proposed garage fails to comply with clause 5.5.2 of DCP 38 in that it provides car parking forward of the building line where it is possible to provide parking behind the building line.
- (ii) The proposed garage fails to comply with clause 5.5.3 of DCP 38 in that the design of carport and garage structures should be sympathetic to existing development on-site and consider adjacent buildings. Further, carport and garage structures should not dominate the site or the streetscape.
- (iii) The proposed work station area is within 3.0m of an existing *Angophora costata* to the rear western boundary. The work station area should be reconfigured or deleted, so that the building is a minimum of 4 metres from the *Angophora costata*.

- (iv) The proposed driveway opening does not comply with AS/NZS 2890.1 (2004) - "Off-street car parking".
- (v) The proposed front fence does not conform to the streetscape as it is too high and does not comply with the requirements of DCP 38, Section 5.1.5 *Front Fences*. The proposed front fence is not consistent with the established pattern of fences, which are considerably lower or non-existent. The existing picket fence is 1.2 metres in height and should remain.

**CARRIED UNANIMOUSLY**

10      **84 Yanko Road, West Pymble - Dual Occupancy (Attached)**

File: DA1393/03

Ward: Comenarra

Applicant: Masterton Homes and Mr and Mrs Mehta

Owner: Mr and Mrs Mehta

To determine Development Application No 1393/03, which proposes an attached dual occupancy development.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

THAT the Council, as the consent authority, grant development consent to DA 1393/03 for demolition of the existing dwelling, garage, deck and pool and the erection of a two storey attached dual occupancy development on land at 84 Yanko Road, West Pymble, being Lot 3 in DP405756, for a period of 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 1393/03 lodged with Council on 29 October 2003 and Development Application plans prepared by Residential Logistics Pty Ltd., Reference number RL111, Sheets 1 and 2 dated 25 June 2003 and lodged with Council on 7 September 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.

*Administration*

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.

#### *Demolition*

6. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
7. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
8. 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.
9. 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.
10. 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.

11. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
12. 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.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 17. 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.
- 18. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 19. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 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.
- 21. 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.
- 22. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
- 23. 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.
24. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

#### *Construction*

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.

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. To maintain existing ground levels all excavated material shall be removed from the site.
31. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
32. 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.

33. 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.

### *Pollution*

34. 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.
35. 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.
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. The development shall comply with the requirements of DCP 40 and Policy for Construction and Demolition Waste Management.
38. The following modifications to the development proposal are required:
- Skylights are to be added to the following rooms, Dwelling A, Laundry, Kitchen, Pantry, Living room, Computer nook and Stairs. Dwelling B, Laundry and Stairs.
  - The following windows are to be widened by 1 metre. Dwelling A, Living room, Dwelling B, Family room on the south western end of the proposed window..
  - The following windows are to be added. Dwelling A, Staircase upper level. Dwelling B, north-west wall of Bedroom 1.

- The Linen Closet on the upper level of Dwelling A is to be relocated to the north–east wall of the computer nook and a window placed in the south-west wall of the upper level adjacent to the bathroom.
  - The upper level windows to the front elevation are to be double glazed or otherwise treated in accordance with AS2107 – 1987 to reduce the effects of road traffic noise.
  - The west facing windows of the family rooms of both units and the kitchen and bedroom 3 of Unit B are to be provided with suitable sun shading devices.
  - 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.
  - 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.
  - All new bathrooms and toilets must be provided with maximum 6/3 litre dual flush cisterns and showerheads with reduced water flow devices.
39. All stormwater and sediment control shall be undertaken in accordance with the requirements of Council’s Water Management Plan (DCP 47).

#### *Landscape*

40. 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.

41. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
42. 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.
43. 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

*Liquidambar styraciflua* (Sweet Gum) 6.0m  
Eastern site corner in front garden

44. 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.
45. 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.
46. 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*

47. For stormwater control the accessway directly in front of the garages should be graded away from the door and towards an escape route. The design is to be configured so that overland flow, off the accessway does not flow towards the garage door. If the driveway must grade toward the garage, then for stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door and connected to the main stormwater drainage system.
48. For stormwater control, (where the grade of the driveway slopes towards the footway), a 200mm 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. The purpose of this grated drain is to collect all surface water from the driveway, and control it across the footway. The drainage line shall be connected to the main drainage system.
49. For stormwater control all paved areas are to be drained to the main drainage system.
50. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the newly constructed drainage pit in the street, to front the subject site at the northern boundary alignment. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
51. The stormwater line in the footway area, from the boundary pit to the Council system, shall be by way of a Steel Hot Dipped Galvanised Rectangular Hollow Section, of the appropriate size. This condition shall override any other condition or reference to uPVC pipe connections. Footway crossings in UPVC pipe will only be permitted from the point where the obvert of the subject pipe, has more than 300mm of cover to the finished ground level. The sections of the pipe laid deeper than 300mm as described in the previous sentence, can be laid in uPVC sewer grade pipe.

In the drainage line across the footway, where (1) a bend is placed, or (2) where the pipe changes from an uPVC pipe to a RHS), an inspection point (cleaning eye) shall be provided directly upstream of the subject location. The cleaning eye shall be extended to the surface and finished with a screw type lid.

52. An on-site stormwater detention system must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website and generally in accordance with the indicative concept plan M10180 by Rafeletos Zanuttini, dated 15/09/03. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
53. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
54. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
55. 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.
56. 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".
57. In order to minimise conflicts between frontage road traffic and car park traffic, all vehicle manoeuvre are to occur within the subject property and that vehicles must egress the property in a forward direction.

58. 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. This requirement is to be demonstrated on submitted Construction Certificate drawings.
59. 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.
60. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving), and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA) and/or Council officers.
61. Prior to the commencement of any works on site, and prior to issue of the Construction Certificate, the Applicant must submit, for review by Council Engineers, a Traffic Control Plan specific to the subject site. The plan must be prepared by a qualified civil/traffic engineer 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)”. The following matters must be addressed:

#### Heavy Vehicle Routes

Safe points of vehicular access to the construction site and 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

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.

How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.

How pedestrians will be safely managed across the frontage of the site.

#### Parking Control

The provision of on-site parking for employee, tradesperson and construction vehicles.

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, or full time where located near shopping centres.

### RTA Concurrence

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

### Stages

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 reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained 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.

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

### *Administration*

62. 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.

63. 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).
64. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted 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 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 good or maintaining "Council property" (as defined) during the course of this project.

65. 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.

#### *Construction*

66. 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.
67. 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 \$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
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

#### *Landscape*

68. 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.

69. The submitted landscape plan is not approved. A revised 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 Architect/Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to the principal certifying authority prior to the release of the Construction Certificate and be approved prior to the issue of the construction certificate.
70. A plan detailing screen planting of the northern and southern (side) site boundaries adjacent to the dwelling 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 4.5 metres.
71. The property shall support a minimum number of six (6) trees that will attain 13.0 metres in height on the site (three for each dwelling), 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 the principal certifying authority prior to release of Construction Certificate and approved, prior to the issue of the construction certificate. It is required that a minimum of three trees are associated with each proposed dwelling, of which it is required that a minimum of four (4) trees are native endemic species associated with Sydney Turpentine Ironbark Forest vegetation types.

72. The five (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.
73. 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 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.

### *Engineering*

74. The property drainage system 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. 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. A direct connection shall be made from the site into a newly constructed pit fronting the site, rather than "chasing" the grade down the street in the footpath area.

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.

75. Full construction design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting 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. The Construction Certificate details are to include, but not limited to, the following issues:

The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50-year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.

Suitable kerbs or other approved “cut off” systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.

For both new dwellings a boundary pit is to be provided where the stormwater line crosses the front boundary.

The stormwater outlet to the street from the boundary pit to be by way of hot dipped galvanised steel section, of appropriate dimensions, except for that part of the line where the obvert of the pipe is deeper than 300mm.

In regard to existing public services in the footway or road, the applicant is required to undertake any or all of the following items in order to make the work effective: -  
(a) adjustment of any services (b) re-positioning of any services, or (c) raising or lowering of the lids of any services.

Where OSD storage is by way of underground storage:

- A) Inflow pipes to the storage chamber are to be located below inspection grates.
- B) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.

Drainage design details are to be compatible with the landscaping plans.

Council's Landscape Officer is to consider the final location of all drainage infrastructure including (a) drainage lines, and (b) OSD tanks. Only after the Council Landscape Officer's approval, can the Construction Certificate be issued. The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

76. 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 shall be submitted and approved 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 facade 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.

77. For the new crossing, and any works adjacent to the boundary, the following will apply:

The new crossing is to be 5.5m wide. 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. Footpath and driveway levels at the property boundary/road alignment are to 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 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 is 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.

78. Submission for approval with 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, and 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 Applicant must carry out the following infrastructure works in the Public Road to facilitate a gravity fed drainage connection from the site into the Council system:

Construction of a new double grated gully pit in Yanko Rd (fronting the northern boundary alignment of the site) and extension of the in-ground Council drainage line in Yanko road from the new pit to the existing downstream in-ground system. New drainage lines to be generally at gutter lip alignment, RC class 2 pipes with a minimum size of 375 mm.

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).

To ensure that works on Council property required by this Condition are carried out to Council’s requirements, the developer must lodge a bond to the value of \$3000. The Bond may be in the form of a bank guarantee and must be lodged **prior** to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council’s requirements. Council may use part or the entire bond to complete the works to its satisfaction if the works

do not meet Council's requirements. After Council's final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

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.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

### *Administration*

80. 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.

### *Construction*

81. 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.

### *Pollution*

82. 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.
83. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.

### *Landscape*

84. 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>Liquidambar styraciflua</i> (Sweet Gum)	3.0m
Eastern site corner in front garden	

85. 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.
86. 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.

#### *Administration*

87. 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*

88. 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.

#### *Engineering*

89. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:

Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council;

All works approved under the Roads Act 1993, prior to issue of the Construction Certificate.

Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council's Engineer. Reinstatement works shall match surrounding adjacent infrastructure with respect to marrying of levels and materials.

For any sections of damaged grass verge, full replacement with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

90. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the Applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting 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 at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

91. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to occupation or issue of an Occupation 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 occupation or issue of an Occupation Certificate.

92. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor are to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: 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)

93. 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.
94. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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

## BUILDING CONDITIONS

95. 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.
96. 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.

97. 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.

98. 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.

99. To ensure compliance with the requirements of the Building Code of Australia the construction of walls separating units shall have a Sound Transmission Classification in accordance with the requirements of Part 3.8.6 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
100. So as to ensure adequate fire separation, walls separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
101. 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.

102. 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.

103. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the building complies with the relevant deemed to satisfy provisions of the Building Code of Australia.

*For the Resolution:*                      *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Lane, Malicki*

*Against the Resolution:*      *Councillor Bennett*

# 11      **Investments Cash Flow & Loan Liability as at 30 November 2004**

File: S02722

To present to Council the investment allocation, the performance of investment funds, monthly cash flows and details of loan liability for November 2004.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

That the summary of investments, daily cash flows and loan liability for November 2004 be received and noted.

**CARRIED UNANIMOUSLY**

**12 Investment Cash Flow & Loan Liability as at 31 December 2004**

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for December 2004.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

That the summary of investments, daily cash flows and loan liability for December 2004 be received and noted.

**CARRIED UNANIMOUSLY**

**13 177 Rosedale Road, St Ives - Various Organisations Option to Renew Licence**

File: P30032

To advise Council of the organisations exercising their options to renew their licence for areas located within the Ku-ring-gai Community Groups Centre, located at 177 Rosedale Road, St Ives.

**Resolved:**

(Moved: Councillors Hall/Bennett)

A. That Council receive and note the exercise of option and approve the grant of a 3 year licence to the following community organisations:

- Action for People with Disability Inc. – Area 4
- Alcoholics Anonymous – Room 1
- Hornsby Ku-ring-gai Community College – Area 5
- Jewish Care – Room 2
- Lorna Hodgkinson Sunshine Home – Room 3

B. That the Mayor and General Manager be authorised to execute all necessary licence documents.

- C. That Council authorise the affixing of the Common Seal of Council to the licence agreement.

**CARRIED UNANIMOUSLY**

14 **1 Boronia Avenue, Turramurra - Demolition of the Existing Buildings and Construction of a Detached Dual Occupancy Development**

File: DA1421/03

Ward: Comenarra

Applicant: I. Tavakoli C/- Glendinning Minto and Associates

Owner: I and R Tavakoli

To determine development application No. 1421/03, which seeks consent for the demolition of the existing buildings on the site and the construction of a detached dual occupancy development.

**Resolved:**

(Moved: Councillors Lane/Andrew)

THAT the Council, as the consent authority, grant development consent to DA 1421/03 for demolition of the existing building and structures on the site and the construction of a detached dual occupancy development on land at 1 Boronia Avenue, Turramurra, being Lot 10 in DP17207, for a period of 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.1421/03 and Development Application plans prepared by Artec Project Management, reference number P0304 Drawings 01 to 10, dated 10 October, 2003 and lodged with Council on 31 October, 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.

**Administration**

- 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.

## Demolition

- 6 The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 7 Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 8 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.
- 9 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.
- 10 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.
- 11 The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
- 12 Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
- 13 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.

- 14 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.
- 15 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.
- 16 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.
- 17 All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 18 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.
- 19 Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 20 Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 21 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.
- 22 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.
- 23 A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
- 24 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.
- 25 All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

## **Construction**

- 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.
- 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 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.
- 30 A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
- 31 To maintain existing ground levels all excavated material (other than that required to be used in approved fill areas) 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 The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 34 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.

- 35 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.

- 36 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.
- 37 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.

## **Special**

- 38 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.

- 39 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.
- 40 The buildings are not to be used or occupied until an Occupation Certificate has been issued.
- 41 Prior to the issue of the Construction Certificate, the applicant shall submit for approval a Waste Management Plan in accordance with Council's Development Control Plan No.40 and Policy for Construction and Demolition Waste Management.
- 42 Energy efficiency is to be achieved in accordance with the submitted NatHERS assessment rating.
- 43 All courtyard fencing is to be in accordance with the requirements of Council's Code unless as otherwise shown on the plans or as conditioned.
- 44 The following modifications to the development are required;
- The garden bed on the southeast corner of the street frontage dwelling is to be reduced in size to a maximum length of 1 metre forward of the building.
  - The right angle bend from the driveway to the garage of the rear dwelling is to be eased to provide a 3 metre radius curve.
  - The end of the driveway adjacent to the rear dwelling is to be extended 2 metres. This extension will need to be suspended so as not to interfere with the root system of the tree on the neighbouring property.
  - The awning to the front entry of the rear dwelling is to be modified to remove/relocate the most eastern column which interferes with egress from the most western garage space.
  - Roof tiles, consistent with those of the existing surrounding dwellings are to be used for the roofing of both dwellings.
  - To improve solar access to the internal living areas of the rear dwelling during the winter solstice skylights are to be installed to the kitchen, dining and lounge areas.

## **Landscape**

- 45 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.
- 46 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.

- 47 Separate written approval under Council's Tree Preservation Order is required prior to the removal or pruning of the following trees within the subject property:

Tree/Location

*Acer palmatum* (Japanes Maple) #12

Adjacent to northern site corner

*Eucalyptus piperita* (Peppermint) #9

Boronia Ave nature strip

- 48 The landscape works shall be completed prior to issue of the Occupation Certificate and maintained in a satisfactory condition at all times.
- 49 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.
- 50 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

*Acmena smithii* (Lillypilly)

4.0m

Adjacent to north east (Front) site boundary

*Liquidambar styraciflua* (Liquidambar)

5.0m

Adjacent to south east site boundary in front garden of neighbouring property

*Brachychiton acerifolius* (Illawarra Flame Tree)

4.0m

Adjacent to south east site boundary

*Celtis australis* (Hackberry)

6.0m

Adjacent to south eastern site boundary in rear garden of neighbouring property

- 51 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

*Acmena smithii* (Lillypilly)

4.0m

Adjacent to north east (Front) site boundary

*Liquidambar styraciflua* (Liquidambar)

5.0m

Adjacent to south east site boundary in neighbouring property

*Brachychiton acerifolius* (Illawarra Flame Tree) 4.0m  
Adjacent to south east site boundary

*Corymbia gummifera* (Bloodwood) 3.0m  
Adjacent to south east site boundary

*Celtis australis* (Hackberry) 6.0m  
Adjacent to south eastern site boundary in rear garden of neighbouring property

- 52 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 the principal certifying authority prior to the issue of the Occupation Certificate.

Tree/Location	Radius from Trunk
Beneath the canopy drip line of ANY tree protected by Council's Tree Preservation Order to be retained.	

- 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 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 the Occupation Certificate.
- 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.
- 56 To preserve the ongoing health and vigour of the *Celtis australis* (Hackberry) located adjacent to the south east (side) site boundary, Any driveway works required to be undertaken beneath the canopy drip line of the tree are to be constructed utilising pier and beam/suspended slab construction methods. Documentary evidence of compliance with this requirement is to be submitted to the principal certifying authority prior to the issue of the Construction Certificate.

## Engineering

- 57 Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

- 58 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).

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.

- 59 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.
- 60 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.

- 61 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.
- 62 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](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

### Administration

- 63 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.

- 63 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).
- 65 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.

- 66 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.

## **Construction**

- 67 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.

## **Special**

- 68 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 \$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 Turrumurra/Warrawee	\$1,966.00
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 75sqm)	1.25 persons
Medium dwelling (75 - under 110sqm)	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

#### **Landscape**

- 69 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 Architect/Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to the principal certifying authority for approval prior to the release of the Construction Certificate.
- 70 The four (4) canopy trees to be planted on site 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.
- 71 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 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.

- 72 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

*Acmena smithii* (Lillypilly)

Adjacent to north east (front) site boundary

## **Engineering**

- 73 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.

- 74 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.
- 75 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 .

## CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

### Administration

- 76 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.

### Construction

- 77 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.
- 78 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.

## **Pollution**

- 79 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.
- 80 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.

## **Landscape**

- 81 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 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
<i>Acmena smithii</i> (Lillypilly) Adjacent to north east (front) site boundary	4.0m

*Celtis australis* (Hackberry)

3.0m

Adjacent to south eastern site boundary in rear garden of neighbouring property

- 82 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.
- 83 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

### Administration

- 84 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

- 85 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.

### Engineering

- 86 Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
- 87 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 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.

- 88 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.
- 89 Prior to issue of the Occupation Certificate, 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 must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.
- 90 The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Occupation Certificate.
- 91 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 Occupation 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)
- 92 Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
  - c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- 93 A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:
- a. As built reduced surface and invert levels for all drainage pits and connection points.
  - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
  - c. Gradients of drainage lines, materials and dimensions.

## BUILDING CONDITIONS

### Construction

- 94 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.
- 95 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.

- 96 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.
- 97 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.
- 98 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).
- 99 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.

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

<b>Risers:</b>	Maximum 190mm	Minimum 115mm
<b>Going (Treads):</b>	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.

- 101 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.

- 102 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.
- 103 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.

104. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the buildings comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. A Registered Surveyor's Reports confirming approved floor levels for all floors.

*For the Resolution:*                      *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Lane*

*Against the Resolution:*      *Councillors Bennett and Malicki*

15      **Minutes of Heritage Advisory Committee Meeting held 11 October 2004**

File: S03816

That Council receive and note the Minutes of the Heritage Advisory Committee meeting held 11 October 2004.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

That Council receive and note the Minutes of the Heritage Advisory Committee meeting held 11 October 2004.

**CARRIED UNANIMOUSLY**

16 **Amendments to Water Management Development Control Plan (DCP47)**

File: S02252

To seek Council's endorsement to exhibit proposed amendments to Council's DCP 47 - Water Management relating to on-site detention and retention requirements for various types of developments.

**Resolved:**

(Moved: Councillors Malicki/Lane)

- A. That the amended revised Draft DCP 47 – Water Management be placed on public exhibition for a period of 28 days.
- B. That a report be brought back to Council following exhibition of the Draft DCP.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with the  
Business Paper items where there are speakers after a Motion moved by  
Councillors Ebbeck and Lane was CARRIED UNANIMOUSLY*

17 **3 to 5 Merriwa Street, Gordon**

File: DA0271/04

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

**G Beckley**  
**G Altomonte**

To address the issues raised at the site inspection of 15 January 2005 and for Council to determine development application DA 271/04, for the construction of a six level commercial building.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

THAT the Council, as the consent authority, grant development consent to DA 271/04 for the erection of a six storey commercial building on land comprising Lots 4 and 2, DPs 609007 and 303900 respectively, 3-5 Merriwa Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions.

#### GENERAL

1. The development must be carried out in accordance with plans numbered 2662\_001F, 002E, 004A, 003D, 013H, 011F, 012H, 015.1D, 014G, 016G, 015D, 023E, 021D, 022E, 031E, 024D, 025C, 035D, 032E, 034D, 043D, 036D, 033C, 042C, 044D, 061, 062, dated September 2004, drawn by Nettleton Tribe Partnership P/L, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. 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.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

If necessary, 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.

21. 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.

22. The fence and footings shall be constructed entirely within the boundaries of the property.
23. The carpark 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. 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.

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. 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.
28. 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.
29. 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.

30. 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.
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. A traffic management plan shall be submitted to and approved by the Council's Traffic Engineer, where major demolitions are likely to impact on arterial or main roads.
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 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.
36. All work in relation to construction, fitting out and finish of any food preparation, storage and retail areas is to comply with Council's Code for the Construction and Fitout of Food Premises and the Food Act 1989 including the Food Regulation 2001 with the provisions of the Food Standards Code. Copies of Codes and Policies are available for purchase at Council's Offices.
37. Where any system of mechanical ventilation and/or air conditioning is proposed or installed within the premises such system shall be designed to comply with the Building Code of Australia and Australian Standard, 1668, Part 2 and AS 3666, and shall be subject to approval by the Principal Certifying Authority prior to installation.
38. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
39. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.

40. 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.
41. 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.
42. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
43. 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.
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. 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.
46. 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.
47. 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.

48. Landscape works shall be carried out in accordance with Landscape Drawing No 03:9:2 L1 Rev B prepared by Wallman Partners and dated 27/09/2004 submitted with the Development Application. The landscape works shall be completed prior to the issue of the Occupation Certificate and be maintained in a satisfactory condition at all times.
49. 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.

50. 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.

<b>Tree/Location</b>	<b>Radius from Trunk</b>
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#20 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	2.0m
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#49 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	2.0m
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#19 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	1.0m
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#48 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	2.5m
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#24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary	3.0m
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51. 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 the principal certifying authority prior to the release of the Occupation Certificate.
52. 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.
53. 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 the issue of the Occupation Certificate.
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 new hard surfaces generating runoff, controlled seepage and landscaped areas that are not at natural ground level shall be piped to the in-ground street drainage system in Merriwa Street. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Particular attention is to be paid to ensuring there is no surcharge within the site.
56. All geotechnical aspects associated with excavation and construction of the development shall be undertaken under the supervision of a qualified and

experienced geotechnical engineer and in accordance with the following documentation submitted in support of the Development Application:

- "Report on geotechnical investigation for proposed commercial development 1–5 Merriwa Street, Gordon" and additional documentation by Douglas Partners, project 36791, dated March 2004.
57. The use of permanent rock anchors under Council land is not permitted. Temporary rock anchors may be permitted, where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment. If temporary rock anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act* 1993. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.
58. A mandatory rainwater re-use tank system for toilet flushing and an on-site stormwater detention system must be provided for the development. Design volumes for each respective component must be in accordance with the following drainage documentation submitted in support of the Development Application:
- Concept drainage plans and supporting documentation (drawings 820016-D-101B, 102B & 103A) by Cardno MBK, dated February 2004.
59. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided at the base of the ramped driveway and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by leaves and silt.
60. For stormwater control any balconies are to be drained to the main drainage system via outlets fitted with raised leaf guards.
61. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have 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 operating conditions.
62. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
63. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be

carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

64. 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 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 and Council officers.
65. 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 2890.1 – 2004 "Off-Street car parking".
66. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
67. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
68. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
69. All noise generating equipment used on the site shall not give rise to an offensive noise source as defined in the Protection of the Environment Operations Act 1997. All equipment shall be provided with suitable sound attenuation equipment designed by a suitably qualified practicing Acoustic Engineer so that when in operation the background sound pressure levels are not exceeded when measured at the boundary of the property.
70. The café shall operate within standard business hours between 7.30am and 9pm.
71. As outlined in the letter titled "1-5 Merriwa Street, Gordon" dated 3 December 2004 by Douglas Partners, any fibrous cement fragments shall be removed from

site prior to the initial phase of site development. Any works associated with the removal of the fibrous cement fragments shall be carried out by a suitably qualified environmental consultant and in accordance with all relevant NSW EPA and Workcover NSW guidelines. At the completion of contamination remediation, the removal works shall be documented by an occupational health and safety consultant (eg, occupation hygienist) and all relevant documents shall be sent to Council once completed.

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

72. The premises shall be ventilated in accordance with the provisions of the Building Code of Australia and Australian Standard 1668 Parts 1 and 2. Detailed plans and specifications of the proposed mechanical ventilation systems shall be submitted to the Principal Certifying Authority for consideration and approved prior to the issue of the Construction Certificate. Details shall include:
- Floor plans showing the ductwork, registers and all ancillary plant;
  - Location of intake and exhaust vents;
  - Schedule of air flow rates including fresh air and return air quantities; and
  - Sound pressure levels.
73. A report from a suitably qualified Acoustic Engineer providing details of the required performance levels and construction details of the acoustic attenuation to be provided to the individual noise generating plant to ensure when in operation the sound pressure levels do not exceed the background noise levels when measured at the boundary of the property shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
74. Details of the proposed Fire Safety Measures to be installed in the building in accordance with the requirements of the Building Code of Australia shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
75. A detailed Site Management Plan incorporating the following shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate:
- Temporary construction crossings;
  - Sedimentation controls and maintenance procedures;
  - Suppression of dust during construction;
  - Material storage areas away from protected trees;
  - Diversion of clean water run-off around the disturbed area of the site; and
  - Protective fencing preventing access to the site.
76. A Waste Management Plan shall be prepared to determine the extent of waste and recycled materials that will be generated from the use of the building. This plan shall be used to determine the size of the waste/recycling area to be provided. Details of the construction of the waste/recycling area complying with the provisions of Development Control Plan No. 40 shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

77. Details of the disabled access and facilities in accordance with the provisions of Australian Standard 1428 shall be submitted to the Principal Certifying Authority for approval.
78. 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.
79. 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.

80. 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).
81. 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.

82. 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.
83. 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.
84. 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:**
    - b. local traffic routes
    - c. pedestrian circulation adjacent to the building site;
    - d. and on-street parking in the local area; and;
  - b. **Describe the means proposed to:**
    - a. manage construction works to minimise such impacts;
    - b. provide for the standing of vehicles during construction;
    - c. provide for the movement of trucks to and from the site, and deliveries to the site; and
  - c. **Show the locations of:**
    - a. any site sheds and any anticipated use of cranes and concrete pumps;
    - b. 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.

85. 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.

86. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.

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

87. Prior to the issue of the Construction Certificate the Applicant shall submit certification from a qualified consulting civil/traffic engineer that vehicle access, circulation and accommodation arrangements satisfy the minimum dimension requirements of Australian Standard 2890.1 - 2004 "Off-Street car parking". The certification must specifically address the following particular areas of the parking layout, as it relates to this Australian Standard:

- That minimum parking space widths correspond to the adjacent aisle widths for the correct user class facility
- That widths of end spaces comply with the additional width requirements in 'blind aisle' situations
- That widths and sight distances on circulation ramps and roadways comply with minimum requirements.

Where minor modifications are required to reflect the minimum requirements of Australian Standard 2890.1 – 2004 "Off-Street car parking", these shall be addressed and details must be submitted to the Principal Certifying Authority for approval with the certification required by this condition.

88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. Design volumes for each component must be in accordance with the concept drainage plans and supporting documentation (drawings 820016-D-101B, 102B & 103A) by Cardno MBK, dated February 2004 which . Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan. Where advanced for construction issue purposes, the concept Cardno MBK drainage plans and supporting documentation (drawings 820016-D-101B, 102B & 103A), dated February 2004 shall be advanced and amended to address the following:
- Discharge from the site to the street drainage system must occur so that the hydraulic grade line in the Merriwa Street system at the discharge point is lower than the finished level in the basement. This may require discharge from the site further downstream in the Merriwa street system.
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water within the site, including toilet flushing. The necessary pumping, filtration and delivery plumbing equipment for re-use shall be shown on this design to a detail suitable for installation by the plumbing contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
90. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components to a detail suitable for installation by the plumbing contractors. The property drainage system (including but not limited to gutters, downpipes, subsoil drainage, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
91. The Applicant must carry out the following infrastructure works in the Public Road Reserve:
- a. Road widening in Merriwa Street, in the vicinity of proposed driveway, by trimming the existing verge area and placement of new road shoulder and kerb and gutter. The new area of road shoulder must drain to the existing sag pit adjacent to the proposed layback.

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

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

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic Control 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 Manual". A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate. An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

92. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$ 40,000 bond or bank guarantee with Council. This is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved 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 Engineers. Further, 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, and
  - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
93. Prior to the issue of the Construction Certificate, the applicant must submit to the Principal Certifying Authority details of the proposed Vibration Monitoring Program to ensure that vibration created by the method of construction does not

adversely impact on the surrounding property and infrastructure. A qualified and practising geotechnical engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. Details to be included in Vibration Monitoring Program to include:

- a) pre-set acceptable limits for the variation of:
    - settlement
    - deflection or movement of retaining mechanisms such as shoring and bracing and
    - vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
  - b) the location and type of monitoring systems to be used
  - c) recommended hold points to allow for inspection and certification by a geotechnical engineer and
  - d) a contingency plan should the pre-set acceptable limits be exceeded.
94. An archeological investigation of the site shall be undertaken by a suitably qualified person in this field and a report of findings provided to the Council. Should the report recommend any special measures to be implemented during excavation, then these shall be incorporated into the relevant contract with the site Excavator.
95. The payment to Council of a contribution for Child Care Facilities in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Municipal Council's Section 94 Contributions Plan No 1. Such contribution is calculated as \$72,711.35 and is to be paid prior to the issue of a Construction Certificate. 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. The levy is based on:

\$23.50 per additional square metre of commercial/office floorspace.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING PRIOR TO COMMENCEMENT OF ANY WORKS ON SITE

96. 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 *any* 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 the completion of works.
97. Prior to the commencement of *any* works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of 375 mm Council drainage pipeline adjacent to the excavation face in Fitzsimons Lane. The

report must be provided and approved by Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline and shall extend 5 metres either side of the boundary. This condition is imposed to provide a benchmark for any lateral movement in the pipe that may be induced during excavation and construction. Any damage to the Council pipe caused as a result of the development shall immediately be repaired at no cost to Council.

98. Prior to the commencement of *any* works on site and prior to issue of the Construction Certificate, the applicant shall submit, for approval to the Principal Certifying Authority (PCA) **and** Council, a full dilapidation report/survey on the visible (including photos) and structural condition of the existing structures at the following locations:

- a) Fitzsimons Lane along the full length of the subject property boundary
- b) Neighbouring driveway and adjacent structures at 7 – 9 Merriwa Street, Gordon

The report must be completed by a consulting structural/geotechnical engineer. The lateral extent of the survey must cover the likely “zone of influence” of construction induced vibration or deflection of retaining structures. The survey must be properly documented and ideally agreed to by the property owners. 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.

99. Prior to the commencement of *any* works on site the applicant must submit, for review by Council Engineers, a Construction Management Plan. The following matters must be specifically addressed in the Plan:

- a) A plan view of the entire site and frontage roadways indicating:
  - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
  - The locations of proposed Work Zones in the frontage roadways,
  - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
  - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible.
- b) All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- c) Any likely traffic re-assigning measures required during construction must be specified. Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided. Light traffic roads and those subject to a load or height limit must be avoided at all times. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- d) Appropriate “Trucks Entering” signage at all relevant locations.
- e) Schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- f) Consideration must be given to minimising construction- related traffic movements during school peak periods. For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel’s vehicles do not impact on the current commuter or commercial parking in the area.

The Construction Management Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. 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. The construction 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.

100. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a ‘Work Zone’ as close as possible to the site. Further, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the ‘Work Zone’ is resolved by the Committee, the necessary ‘Work Zone’ signage shall be installed and the adopted fee paid prior to commencement of any works on the site. Where such a ‘Work Zone’ is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours and reduce impacts on the surrounding road network. A need for a ‘Work Zone’ arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking.
101. 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
#20 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	2.0m
#49 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	2.0m
#19 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	1.0m
#48 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern site boundary	2.5m
#23 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Merriwa St nature strip	1.5m
#24 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to southern site boundary	2.0m
#35 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Merriwa St nature strip	1.5m

102. 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.
103. 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

104. Lots 2 and 4 shall be consolidated prior to occupation of the building.
105. 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.
106. Prior to issue of an Occupation Certificate the following works must be completed:
  - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council.

- b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
- c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles, poor support measures) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

- 107. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
- 108. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
- 109. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
- c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

110. Prior to issue of an Occupation Certificate the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting 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 at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
111. Prior to issue of an Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
112. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
113. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan in relation to the installed rainwater retention devices are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to address:
  - Compatibility of the retention system(s) with the approved Construction Certificate plans.
  - Compliance with AS 3500.2 & AS3500.3:1998.
  - Overflow from the installed retention devices directed to an approved disposal point.
  - The capacity of the retention storage as approved.
  - Provision of leaf gutter guards to all roof gutters.
  - Measures to prevent mosquito breeding nuisance.
  - Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).
  - Installation of any proprietary tank products in accordance with manufacturers' specifications.

- The structural adequacy of tank and supporting structures/slabs.
- That all toilet flushing water usage for the approved development is sourced from the stormwater retention tank(s).
- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)
- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

The Works-as-Executed drawing(s) is to be marked (in red) on the approved Construction Certificate design, and shall include:

- As constructed levels in comparison to design levels
- As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
- Dimensions of all retention tanks/devices
- Top water levels of storage areas and RL’s at overflow point(s)
- Storage volume(s) provided and supporting calculations/documentation.

114. Prior to issue of the Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention system are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - “Design of on-site detention systems”. The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.

- The maximum depth of storage over the outlet control.
  - Top water levels of storage areas and RL's at overflow point(s)
115. Prior to issue of an Occupation Certificate (and at the completion of works), a qualified practitioner shall prepare a closed circuit television (CCTV) inspection and report on the post developed condition of 375 mm Council drainage pipeline adjacent to the excavation face in Fitzsimons Lane. The report is to include a copy of the footage of the inside of the pipeline and shall be submitted to Council, attention Development Engineer, for approval prior to issue of the Occupation Certificate. Any damage that has occurred to the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.
  116. The installed groundwater drainage system must be certified by a qualified geotechnical/hydrogeological engineer and this shall be submitted to the Principal Certifying Authority for approval prior to release of the Occupation Certificate.
  117. Prior to release of the Occupation Certificate, a record of inspections and monitoring as specified by the Geotechnical Consultants must be submitted in report form to the Principal Certifying Authority for approval. The geotechnical/hydrogeological engineer must also certify that all geotechnical work has been carried out in accordance with the consent conditions and the recommendations of the above report.
  118. Prior to issue of an Occupation Certificate a record of inspections and monitoring of vibration in accordance with the approved Vibration Monitoring Program must be submitted in a report form to the Principal Certifying Authority for approval. A qualified and practising geotechnical and/or hydrogeological engineer must prepare the document.
  119. Prior to issue of the Occupation Certificate the Applicant shall consolidate lot 2 of DP 303900 and lot 4 of DP 609007. Evidence of lot consolidation, in the form of Land and Property Office registered Title documents (copy) shall be provided to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. At the time of consolidation, consideration may be given to extinguishing redundant burdens, subject to the consent from all interested parties.
  120. The following details are required to be submitted to the Principal Certifying Authority upon completion of works. The matters listed below shall have a Certificate attached from a suitably qualified person to the effect that the construction and operation of the works complies with the relevant Standard or code which the Certificate must identify:
    - The mechanical supply and exhaust ventilation systems installed;
    - The Fire Safety Measures and Construction requirements installed in the building;
    - Form 15 Final Fire Safety Certificate;
    - Acoustic report on all noise generating plant; and
    - Garbage/Recycling facilities

**CARRIED UNANIMOUSLY**

**1A Kalang Avenue, Killara**

File: DA0319/04

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

**B Perkins**  
**P Williams**  
**R Daubaras**  
**T Dehaas**

To address the issues raised at the site inspection of 11 December 2004 and for Council to determine two applications; one for the modification of consent to DA 3702/93 and the other DA 319/04 for the erection of a new dwelling house.

**Resolved:**

(Moved: Councillors Lane/Ryan)

**DA 3702/93**

THAT the Council, as the consent authority, modify the consent to DA 3702/93 by the deletion of Conditions 4 and 10 as follows:

**Condition 4:**

*“Any future dwelling is to comply with Council’s DCP No 6.”*

**Condition 10:**

*“Any future residential development of the site to be in accordance with the building height plane, setback and building platform requirements detailed in Drawing Nos TP1 and TP2 dated 5 October 1993 which forms part of this approval.”*

**DA 319/04**

THAT the Council, as the consent authority, grant development consent to DA319/04 for the erection of a single dwelling on land at Lot 101, DP875236, No 1A Kalang Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions.

**GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans numbered DA 01H – 011H, dated March 2004 and submitted to Council in September 2004 (setbacks corrected), and endorsed with Council’s approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.

3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Windows marked with asterisk on the plan of the northern elevation of the proposed dwelling Plan No. 06H are to be deleted from the plans. Windows to the top level bathroom and stairwell, and middle level bathroom, shall be of translucent glazing.
5. The balcony balustrades shall be 1.1m high, as measured from the finished balcony floor level, and of translucent glazing.
6. Construction of a 1.8m solid high boundary fence on the northern property boundary with No. 41 Illeroy Avenue, prior to commencement of the construction of the dwelling.
7. Additional screen planting is to provided on the northern property boundary adjoining No 41 Illeroy Avenue, subject to a revised Landscape Plan to be approved by Council prior to release of Construction Certificate. The landscape plan shall provide details of all cut and fill to be undertaken on the site, as well as details of any retaining walls to be constructed. All retaining walls will need to be certified by a Geotechnical Engineer.
8. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
9. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
10. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
11. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
12. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and

loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

13. 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.
14. 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.
15. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
16. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
17. 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.
18. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
19. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
20. Compliance with the general terms of approval issued by Department of Infrastructure, Planning and Natural Resources:
  - i. All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse/foreshore and to minimise adverse impacts on aquatic and riparian environments.
  - ii. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained, for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse/foreshore environment. These control measures are to be in accordance with the requirements of Council or the consent authority and best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" Manual (1998) - the 'Blue Book'.
  - iii. The Part 3A Permit from the Department is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
  - iv. Rehabilitation of the area in accordance with the 3A Permit Conditions or any direction from the Department is the responsibility of the Permit holder and owner or occupier of the land.

- v. Work as executed survey plans of a professional standard and including information required by the Department shall be provided to the Department on request.
  - vi. If in the opinion of a Departmental Officer, works are carried out in such a manner that they may damage or adversely affect the watercourse or foreshore environment, the Departmental Officer may issue an oral or written direction to immediately stop all work/s.
  - vii. If any of the Department's Part 3A Permit Conditions are breached, the Permit holder shall restore the site in accordance with these Conditions and any other necessary remedial actions as directed by the Department. If any breach of the Part 3A Permit Conditions requires a site inspection by the Department, then the permit holder shall pay a fee prescribed by the Department for this inspection and all subsequent breach inspections.
21. The fence and footings shall be constructed entirely within the boundaries of the property.
22. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
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. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
25. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
26. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
27. 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.
28. 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.
29. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.

30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse in the adjacent drainage reserve. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
36. 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. Alternatively, the on site detention system may be replaced with a stormwater detention/ retention and re-use system(s) designed in accordance with Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

An overflow is to be incorporated that will direct any excess flow to the downstream drainage system.

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: 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.

37. The applicant is to demonstrate that the existing driveway servicing Lot 52 (1B Kalang Avenue) is not to be reconstructed. The proposed driveway is to commence from the northern edge of the existing driveway access to Lot 52.
38. The stormwater drainage design submitted, dated March 2004, is not approved for reasons which include the following:
  - The on site detention design is for a 750mm depth of ponded water over the discharge control pit. In accordance with Council's Stormwater Management Manual, childproof fencing will be required around the storage. Details of this should be shown on the design;
  - Pipelaying is shown within the canopy of a tree in Council's reserve. The applicant shall consult with Council's Engineer in relation to an alternative drainage design which shall be approved by Council prior to release of the Construction Certificate.
39. Compliance with recommendations made in Jeffery and Katauskas Stability Assessment Ref 16333J Let, dated 30 October 2001.
40. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, 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 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 and Council officers.
42. Landscape works shall be carried out in accordance with Landscape Drawing No 0145/CC1 Amended prepared by Trish Dobson and dated 1 September 2004 or 16 September 2004 (Council stamp) submitted with the Development Application, except as amended by the following:
  - the extent of excavation at the eastern end of the building shall be 600mm outside the line of the building and minor battering to stabilize soil;
  - *Lomandra longifolia* shall be planted on the battered area at the top of the excavation to help stabilize the soil;
  - additional screen planting shall be provided along the northern boundary;
  - existing plants in the terraced gardens which are removed or damaged by building works shall be replaced.
  - The *Elaeocarpus* (Blueberry Ash) to the northern boundary are to be of advanced 75 litre pot size.
43. All 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:
44. 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.
45. 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.
46. The following conditions imposed by the Rural Fire Service:
  - i. Construction shall comply with AS3959 - 1999 level 3 'Construction of Buildings in bushfire prone areas'.
  - ii. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.
  - iii. The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
  - iv. All fencing shall be constructed from non-combustible materials.

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

47. 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.

48. 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).
49. 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.
50. 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.

- 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.
51. The bathroom, toilet and stairwell are to be of translucent glazing to minimise overlooking to the adjoining property/s. Details are to be shown on the Construction Certificate plans.
52. An uphill runoff cutoff system is to be provided as recommended in Jeffery and Katauskas Stability Assessment Ref 16333J Let, dated 30 October 2001. Details are to be included in the property drainage design and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
53. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention and/or retention system. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m<sup>2</sup> roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
54. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
55. The on-site detention and/or retention and property drainage system design is to be endorsed by a geotechnical engineer as to the provision of a cutoff drainage system as well as the suitability of the proposed detention/ retention storage locations, particularly if an above ground detention storage is proposed.
56. A CASH BOND/BANK GUARANTEE of \$2000 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.

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

57. 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.
58. 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.
59. To preserve Tree 18 - *Castanospermum australe* (Moreton Bay Chestnut) and Tree 19 - *Syncarpia glomulifera* (Turpentine) located in the adjoining drainage reserve to the west, no work shall commence until a fence is erected 1.5 metres inside the western boundary, commencing at the dog leg in that boundary to the northern boundary, to prevent any activities, storage or the disposal of materials within the fenced area. The fence/shall be maintained intact until the completion of all demolition/building work on site.
60. To preserve Tree 5 - *Alectryon tomentosus* (Rambutan), Tree 7 - *Jacaranda mimosifolia* (Jacaranda), Tree 6 & 8 - *Pittosporum undulatum* (Sweet Pittosporum), Tree 11 *Fraxinus Sp* (Ash) and Tree 12 *Brachychiton acerifolius* (Flame Tree) no work shall commence until the area beneath their canopies is fenced off as specified below to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

One fence shall be erected around the trees which is located mostly at the existing 'bottom of bank' and 'top of bank' near the eastern boundary (refer to survey plan dated 15-7-04). The fence shall be located at a 2.5 metres radius around Tree 5, 6 & 7 until it meets the 'bottom of the bank' RL115.85 then continue along until it crosses the 'top of the bank' (RL115.88). It shall continue along the 'top of bank' to RL 115.76 and continue west to meet a 3.5m radius of Tree 11 & 12 and run back to the 'bottom of bank' at RL112.65

61. 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.
62. To preserve the existing hedge along the concrete driveway to the south of the building, no work shall commence until a protection fence, 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 is erected along the southern boundary for the length of the hedge. No access or storage of materials is permitted within the fenced area.

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

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

64. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
65. 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.
66. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and/or retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention/retention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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

67. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
  - c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/ retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

68. Prior to issue of an Occupation Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
69. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention/retention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention/retention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design, and shall specifically include:

- As constructed levels in comparison to design levels.
  - As built location of all detention/retention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements.
  - As built locations of all pits and grates in the system, including dimensions.
  - Overflow directed to an approved disposal point.
70. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
    - a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
    - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
    - c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

## BUILDING CONDITIONS

71. 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 & Air-conditioning.
  - 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.
72. 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.

73. 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 each floor shall be submitted to the Principal Certifying Authority on completion of that floor.

74. 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).
75. 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.
76. 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.

77. 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.

78. 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.

79. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the dwelling complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Lane*

*Against the Resolution:   Councillors Bennett and Malicki*

19     **134 Junction Lane, Wahroonga - Subdivision of the Site into Two Allotments and Demolition of the Existing Structures on Site**

File: 0979/04

Ward:   Wahroonga  
Applicant:   K. & R. Reid  
Owner:   J. Palfreyman

To determine development application No. 0979/04, which seeks consent for the demolition of the existing structures on site and the Torrens Title subdivision of one lot into two allotments.

**Resolved:**

(Moved: Councillors Malicki/Ryan)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 58B(c)(i) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case. There will not be an undue impact on landscaping or residential character and sufficient area of appropriate dimension is provided for both lots to enable the construction of a dwelling that could be reasonably expected to meet the objectives and policies of Schedule 9 of the KPSO and the design requirements of Development Control Plan 38.

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 0979/04 is consistent with the aims of the Policy, grant development consent to DA 0979/04 as a **deferred commencement approval** for subdivision of one allotment into two, including demolition of all existing structures on site on land at 134 Junction Lane, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

#### **SCHEDULE A**

1. Prior to operation of the consent, the applicant shall submit, for approval by Council's Development Engineer, registered title documents demonstrating that the subject site is benefited by the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system and details of onsite detention. This information is to include, as a minimum, registered Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s).

#### **SCHEDULE B**

##### **GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans numbered 51/04 Sheets 1 and 2, dated 17 August 2004 and 1 October 2004, respectively, drawn by Ross Reid & Associates Pty Ltd, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. 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.
3. 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.
4. The building platforms indicated on the approved plans are indicative only and do not form part of approval given under this consent.
5. 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.

6. The following trees shall be protected and maintained in any future development of the site by ensuring that no excavations, soil level changes or construction works occur beneath the canopy of the following trees for a specified radius in metres from the trunk of that tree, except any driveway as approved by Council:

Tree No.	Tree	Location	Radius in Metres
1	<i>Angophora costata</i> (Sydney Red Gum)	Road reserve	7m
2	<i>Angophora costata</i> (Sydney Red Gum)		6m
3	<i>Syncarpia glomulifera</i> (Turpentine)		6.5m
5	<i>Cedrus deodara</i> (Himalayan Cedar)	Lot 2	6m
6	<i>Chamaecyparis obtusa</i> (Hinoki False Cypress)	Lot1	4m
7	<i>Jacaranda mimosifolia</i> (Jacaranda)	Lot 2	4.2m to S, min. 3m to W, 5.5m remaining radius
14	<i>Eucalyptus pilularis</i> (Blackbutt)	197 Eastern Rd	7m

Note: The proposed building envelopes are not approved as some of the above trees are located within the building envelope.

7. Driveway access to Lot 2 shall be determined in consultation with a qualified arborist to minimize any negative impact of a driveway on the trees located within Council's nature strip. This information shall be submitted with any future application for a dwelling at the site.
8. Vehicle access during demolition works shall be through the front garden and sufficiently clear of existing trees. Note the tree protection condition which will not permit access over the existing driveway access points.
9. The applicant shall ensure that at all times during the demolition period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
10. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
11. A 1.0 metre wide drainage easement is to be provided from proposed Lot 1 along the rear boundary of proposed Lot 2 and piped to connect to the interallotment drainage line through the downstream property.
12. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development

works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

13. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
14. 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 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 and Council officers.
15. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
16. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
17. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

18. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
19. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
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. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
- 26. 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. 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.
- 30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 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 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.
- 33. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

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

- 34. 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.

35. 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.
36. Existing trees and vegetation on the site shall not be disturbed except with the approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location	Radius from Trunk
Fence together with 1 continuous fence	
Tree 1- <i>Angophora costata</i> (Sydney Red Gum)	7m except in road
Tree 2 – <i>Angophora costata</i> (Sydney Red Gum)	6m except in road
Tree 3 – <i>Syncarpia glomulifera</i> (Turpentine)/	6.5m except in road
All in Council's road reserve	
Tree 5 – <i>Cedrus deodara</i> (Himalayan Cedar)/	6m
Front garden	
Tree 6 – <i>Chamaecyparis obtusa</i> 'Crippsii'	
(Golden Cripps Cypress) / Front garden	4m
Tree 7 – <i>Jacaranda mimosifolia</i> (Jacaranda)/	
Adjacent to carport	5.5m except where carport intrudes

37. 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.

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

38. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full hydraulic design documentation for:
- the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system.
  - the drainage line from the rear corner of proposed Lot 1 through proposed Lot 2 to connect to the interallotment drainage system through the downstream property.

Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47

(available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
  - b. The contributing catchment calculations and supporting pipe sizing information,
  - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
  - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
  - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
39. 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.
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 ONE (1) ADDITIONAL ALLOTMENT 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 -Wahroonga	\$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 75sqm)	1.25 persons
Medium dwelling (75 - under 110sqm)	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

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

42. All Wisteria and Ivy shall be removed from existing tree without damaging the trees infested prior to release of the Subdivision Certificate.
43. Prior to release of the linen plan/issue of the Subdivision Certificate, the construction of the required drainage line through proposed Lot 2 and the interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to issue of the Subdivision Certificate the following shall be submitted to the Principal Certifying Authority (PCA):
  - a. Certification from the supervising engineer that that the as-constructed works comply with the approved design documentation, and
  - b. A full works-as-executed drawing of the as built drainage lines (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
  - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
44. Prior to release of the linen plan/issue of the subdivision certificate, 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 must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.

45. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.
46. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and copies:
  - a. The endorsement fee current at the time of lodgment,
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate.
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council.
  - e. A copy of all works-as-executed plans required under the consent,
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

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

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

47. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
48. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
49. Prior to release of the linen plan/issue of the subdivision certificate, the provision of separate underground electricity, gas, telstra, sewer and water services, or appropriate conduits for the same, shall be provided to each allotment. A suitably qualified and experienced engineer or surveyor is to provide certification that all

new lots have ready underground access to the services of electricity, gas, Telstra, sewer and water.

**CARRIED UNANIMOUSLY**

20      **21 Oxley Avenue, St Ives - Demolition of Existing Dwelling and Construction of Detached Dual Occupancy**

File: DA510/04

Ward: St Ives

Applicant: Masterton Homes and Mr and Mrs Rubin

Owner: Mr and Mrs Rubin

To determine Development Application No 510/04, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy.

**Resolved:**

(Moved: Councillors Hall/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 0510/04 for the demolition of the existing dwelling and associated structures on site, and erection of two new dwellings with associated landscaping, on land at 21 Oxley Avenue, for a period of 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 0510/04 and Development Application plans prepared by Masterton Homes, Job No. 853037, reference numbers 1 of 5 (Amendment B) and 2 of 5 (Amendment B) dated 22-10-04 and lodged with Council on 27 October 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.
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.
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.
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.
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.

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 new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
38. An on-site stormwater detention and /or retention system(s) must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
39. 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.
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 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.

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 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. 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.
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. 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.
46. In order to protect the amenity and privacy of the adjoining property No.23 Oxley Avenue, the windows serving the rumpus of Dwelling 2 (or Dwelling B) shall have a lower sill level of 1.7 metres above FFL.
47. In order to protect the amenity and privacy of the adjoining property No.23 Oxley Avenue, the fence to be located on the western boundary shall be of lapped and capped construction, to a height of 1.8 metres (as measured from natural ground level at 21 Oxley Avenue), with a 300mm trellis fixed atop. The fence shall not extend forward of Dwelling 1 to Oxley Avenue.

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

48. **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.

49. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
50. The stormwater plan prepared by Rafeletos Zanuttini P/L, dated 3/5/04, is not approved for reasons which include:

The drainage design does not comply with Council's Water Management Plan DCP47;

A mandatory on-site retention and re-use system must be provided in accordance with Council's requirements described in Chapter 6 of Council's Water Management Plan DCP47;

Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention/retention including the above issues 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.

51. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re -use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be

incorporated on the overall stormwater management plan and design for the retention/detention system.

52. 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.

53. 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).
54. 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.
55. 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.
56. 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.
  57. 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 \$25,973.53. 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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.25 persons
Medium dwelling (75 - under 110sqm)	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

58. 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.
59. The landscape plan by Landscape Architectural Services, Drawing No. LP 63604/1 B, dated May 2004 is not approved and will require the following amendments.
- The plan does not comply with Council's Tree Replenishment Policy. Six new trees that attain a height of 13 metres are to be planted on the property.
  - The plan shall indicate proposed changes to soil levels adjacent to the south eastern corner of Dwelling B.
  - To promote biodiversity 25% of the trees and shrubs shall be locally occurring indigenous species.
  - The proposed retaining wall shall be located a minimum distance of 600mm from the western boundary adjacent to Dwelling A.
60. The property shall support a minimum number of 7 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.
61. The 6 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.
62. 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 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.

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

63. 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.

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

64. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
- a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
  - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

65. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
  - c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

66. Prior to issue of an Occupation Certificate or issue of the Subdivision Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Subdivision Certificate.
67. Prior to occupation, issue of an Occupation Certificate or issue of the Subdivision Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property

with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Subdivision Certificate.

68. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
  - a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500, 3.2, and
  - c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
69. A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:
  - a. As built reduced surface and invert levels for all drainage pits and connection points.
  - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
  - c. Gradients of drainage lines, materials and dimensions.
70. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels

- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

71. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable "first flush" system to collect sediment/debris before entering the tank(s).
- Installation of proprietary tank products in accordance with manufacturers' specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)
- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read "Recycled Stormwater – Not For Drinking" or equivalent.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.

- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:

- As constructed levels in comparison to design levels
  - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
  - Dimensions of all retention tanks/devices
  - Top water levels of storage areas and RL’s at overflow point(s)
  - Storage volume(s) provided and supporting calculations/documentation.
72. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
73. 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 the Occupation Certificate.

#### BUILDING CONDITIONS

74. 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 & Air-conditioning.
  - 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.
75. 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.

76. 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.

77. 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. Hand spraying 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.

*For the Resolution:*        *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Lane, Malicki*

*Against the Resolution:*    *Councillor Bennett*

21    **E – Notification**

File: S03673

To report to Council on investigation into "E-Notification" at Pittwater Council.

**Resolved:**

(Moved: Councillors Bennett/Ryan)

That Council be provided with a timetable for the introduction into Ku-ring-gai of the E services provided by Pittwater Council with associated costs.

*For the Resolution:*        *The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Lane, Malicki*

*Against the Resolution:*    *Councillor Hall*

22    **Analysis of Land & Environment Court Costs 2<sup>nd</sup> Quarter 2004/2005**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the half - year ended 31 December 2004, including appeals commenced, costs incurred by Council and outcomes.

**Resolved:**

(Moved: Councillors Hall/Cross)

- A.    That the analysis of Land & Environment Court costs for the half-year ended December 2004 be received and noted.
- B.    That the Planning Committee with assistance of its nominated legal adviser review the appeals issues with a view to reducing legal costs overall.

- C. That a presentation be given to the Planning Committee outlining changes adopted by the Court that have disadvantaged Councils/Ku-ring-gai Council.

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

23

**Council Adoption of Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 - Pacific Highway / Railway Corridor and St Ives Centre**

File: S03730

**Notice of Rescission from Councillors A Andrew, E Malicki and L Bennett dated 20 December 2004.**

We the undersigned Councillors, move the following:

*“That the resolution No.633 be altered by the deletion therefrom of:*

A. Definitions

*Add new definition “street width – the distance between the face of kerb to face of kerb where kerb and gutter exists or the distance between the centre line of the table drains where kerb and gutter do not exist” and*

Section 4.3

*C-1(c) change to “Street boundary setbacks where street width is less than 12m may be reduced, but no less than 6m.”*

**Resolved:**

(Moved: Councillors Bennett/Andrew)

- A. That the above Notice of Rescission be adopted.

*For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Lane, Malicki*

*Against the Resolution: Councillor Hall*

(Moved: Councillors Bennett/Malicki)

- B. That the deleted section be replaced by:

That all reference to “street width” in the DCP be changed to “road reserve width” and that the new definition of road reserve width be added to the DCP being the “distance between property boundary to opposite property boundary “and;

Section 4.3

C-1(c) be “Street boundary setbacks, where the road reserve width is less than 12m may be reduced proportionately, but be not less than 6m.”

- C. That Staff prepare a list of streets where 2(d3) zones may apply, giving an indication of the width of streets.

**QUESTIONS WITHOUT NOTICE**

24 **AUSTRALIA DAY CELEBRATIONS - APPRECIATION**

File: S02184

Question Without Notice from Councillor N Ebbeck

Could the General Manager please pass on congratulations and extend sincere appreciation to the Director of Community Services and her team for the incredible job completed in regard to the two Australia Day Celebrations organised and promoted by this Council?

Also, could the General Manager and/or Mayor, send a letter of thanks to the Wahroonga Rotary Club for their support in the Citizenship ceremony held on this day?

**Answer by the Mayor**

The General Manager will indeed and we both will.

25 **DISPUTE RESOLUTIONS CONCERNING EASEMENTS FOR WATER - DEVELOPMENT MATTERS**

File: S04033

Question Without Notice from Councillor E Malicki

We have all heard about the high pressure if not bullying tactics being employed by a developer of an LEP 194 site in my Ward against residents in order to secure easements for water. Most are seeking legal advice due to threats of Supreme Court action.

Is there anything Council can do either formally or informally to stop this sort of behaviour to our residents?

**Answer by the General Manager**

The General Manager will investigate and respond.

26 **DEMOLITION OF "THE OAKS", 517 PACIFIC HIGHWAY, KILLARA - DA TO BE REFERRED TO HERITAGE ADVISORY COMMITTEE**

File: DA1165/04

Question Without Notice from Councillor L Bennett

Could the DA for the demolition of "The Oaks" at 517 Pacific Highway, Killara be referred to the Heritage Advisory Committee?

**Answer by the Mayor**

Thank you, it will be.

**STAFF DELEGATION REVIEW**

File: S02017

Question Without Notice from Councillor T Hall

Would the General Manager advise when he proposes to submit staff delegations for review by this Council please?

**Answer by the General Manager**

I intend to bring that forward with a timetable for Councillors at the February meeting of the Policy Review Committee.

**COUNCIL OMBUDSMAN**

File: S03678

Question Without Notice from Councillor T Hall

Is it true the Council Management is contemplating appointing an Internal Ombudsman?

If true, will this proposed position require a Council restructure, which is Council's purview, and what conflict might arise where Councillors already act as "ombudsman" for their residents?

**Answer by the General Manager**

There is an Internal Ombudsman appointed initially on a 6-month basis. I advised Council of that at a Council Committee meeting. In my view, there is no need for a restructure on that particular matter.

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

The next Inspections Committee will take place on Saturday, 12 February 2005 to view the following properties:

5 Murdoch Street, Turramurra  
8 Woodlands Road, Lindfield

and, also, on Thursday, 24 February 2005 to view the following property:

UTS, Eton Road, Lindfield

*The Meeting closed at 9.15pm*

The Minutes of the Ordinary Meeting of Council held on 1 February 2005 (Pages 1 -118) were confirmed as a full and accurate record of proceedings on 15 February 2005.

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General Manager

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Mayor / Chairperson