

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 11 DECEMBER 2007

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

Staff Present: General Manager (John McKee)  
Director Corporate (John Clark)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Operations (Greg Piconi)  
Manager Urban Planning (Antony Fabbro)  
Manager Corporate Planning & Sustainability (Peter Davies)  
Director Community (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.15pm*

*The Mayor offered the Prayer*

### 516 **APOLOGIES**

File: S02194

Councillor A Ryan tendered an apology for non-attendance [family commitments] and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Lane/Cross)

That the apology by Councillor A Ryan for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

## DECLARATIONS OF INTEREST

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

No interest was declared.

## 517 Confirmation of Reports to be Considered in Closed Meeting

File: S02499

### Resolved:

(Moved: Councillors Malicki/Hall)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public including the legal advice for Land Reclassification Component for Ku-ring-gai Local Environmental Plan (2006) Town Centres.

**CARRIED UNANIMOUSLY**

## ADDRESS THE COUNCIL

The following member of the public addressed Council on items not on the Agenda:

J Harwood

**Councillor Shelley arrived during Address**

## DOCUMENTS CIRCULATED TO COUNCILLORS

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

**Late Items: Minutes of Ordinary Meeting of Council held 4 December 2007, Minutes numbered 492 to 515.**

**Refer GB.14 - North Sub-Region Draft Sub-Regional Strategy -**  
Attachment: Council's Draft Submission.

**Refer GB.16 - Draft Local Environmental Plan No 212 -**  
**Consideration following Statutory Public Exhibition Process -**  
Attachment K - Public Submissions.

**Refer GB.17 - Native Vegetation Mapping Process for the Ku-ring-gai Local Government Area** - Report & Attachments by Acting Director Strategy dated 3 December 2007.

**Refer GB.18 - Heritage Advisory Committee - Minutes of Meeting held 3 December 2007** - Report & Attachment by Manager Urban Planning dated 4 December 2007.

**Refer GB.19 - National Trust Festival 2008** - Report by Director Community dated 10 December 2007

**Councillors  
Information:**

**Roseville Chase Shopping Precinct - Expenditure for Business Centre Upgrades & Options** - Memorandum by Director Operations dated 4 December 2007 in relation to a Question Without Notice raised by Councillor J Anderson at the Ordinary Meeting of Council held 25 September 2007.

**Landscape Bonds** - Memorandum by Director Corporate dated 10 December in relation to a Question Without Notice raised by Councillor Anita Andrew at the Ordinary Meeting of Council held 13 November 2007

**Memorandums:** **Refer GB.4 - 12 Woonona Avenue, Wahroonga** - Memorandum by Manager Development & Assessment dated 11 December 2007 regarding correspondence received from the Department of Planning - Heritage Office dated 10 December 2007.

**Refer GB.4 - 12 Woonona Avenue, Wahroonga** - Confidential Memorandum by Manager Development & Assessment dated 11 December 2007 regarding a Confidential Memorandum by Council's Corporate Lawyer & correspondence from the applicants.

**Refer GB.5 - Guidelines for Ku-ring-gai Council Office of the Internal Ombudsman** - Memorandum by General Manager dated 11 December 2007 regarding proposed amendments to the attachment.

**Refer GB.6 - Ku-ring-gai Community Workshop "The Shed"** - Memorandum by Director Community dated 11 December 2007 regarding the recommendations in the report.

**Refer GB.7 - 20 Year Financial Model** - Memorandum by Director Corporate dated 11 December 2007 regarding the incorrect internal reserve balances in Attachment A & provided an amended version of the Attachment.

**CONFIRMATION OF MINUTES**518 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 4 December 2007  
Minutes numbered 492 to 515

**Resolved:**

(Moved: Councillors Cross/Lane)

That Minutes numbered 492 to 515 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

*A Motion moved by Councillors Andrew & Lane  
to hear all speakers  
was CARRIED UNANIMOUSLY*

**GENERAL BUSINESS**519 **Request for Council to Enforce Parking Restrictions on Private Land at 376 to 386 Pacific Highway, Lindfield known as Coles Car Park, Lindfield**

File: S06051

Ward: Roseville

To inform Council of the request before it to patrol and enforce parking restrictions on private land, known as Coles Car Park, Lindfield and seek the direction of Council as to whether it wishes to assume such role.

**Resolved:**

(Moved: Councillors Shelley/Anderson)

- A. That Council advise the applicant, Restifa and Partners Pty Ltd, that it is willing to enter into a formal agreement with the owners of the land, in accordance with the provisions of Section 650(6) of the Local Government Act, 1993.
- B. That Council authorise the General Manager to negotiate and enter an agreement on its behalf with the owners of the land for the administration of private land for parking control at 376-386 Pacific Highway, Lindfield.

- C. That the new time restrictions applicable to Coles Car Park, Lindfield be advertised both on the site and within the local newspaper, for a period of fourteen (14) days prior to commencement of regulation.

**CARRIED UNANIMOUSLY**

520

**16 to 18 Boyd Street, Turramurra - Demolition of Two Dwelling Houses & Construction of a Residential Flat Building comprising 33 Units & Basement Car Parking for 60 Vehicles**

File: DA0821/07

Ward: Comenarra

Applicant: Staldone Corporation Pty Ltd

Owner: Staldone Corporation Pty Ltd

To determine Development Application No 0821/07, which seeks consent for the demolition of two (2) dwelling houses and construction of a residential flat building comprising 33 units and basement car parking for 60 vehicles.

**Resolved:**

(Moved: Councillors Andrew/Malicki)

- A. THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to the provisions of Clause 25L (Zone Interface) 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 owing to the site adjoining the railway corridor and the impacts arising as a result of the non-compliance will have no discernable effect on the streetscape or adjoining properties.
- B. 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 0821/07 is consistent with the aims of the Policy, grant development consent to DA 0821/07 for demolition of two dwelling houses and construction of a residential flat building comprising 33 units and basement car parking for 60 vehicles on land at 16-18 Boys Street, Turramurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

**1. Approved architectural plans and documentation**

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Dwg No	Description	Drawn by	Dated	Lodged
DA-03	Site analysis/roof plan	Wolski Lycenko & Brecknock	29 Aug 2007	31 Aug 2007
DA-04	Lower basement	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-05	Upper basement	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-06	Ground floor plan & upper basement	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-07	First floor plan	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-08	Second floor plan	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-09	Third floor plan	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-10	Fourth floor plan	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-11	Fifth floor plan	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-12	Elevations	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-13	Section A	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
DA-14	Section Z	Wolski Lycenko & Brecknock	28 Aug 2007	31 Aug 2007
LP 39.07/077	Landscape Plan	iScape	August 2007	31 Aug 2007

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

## 2. Surrender of development consent

The applicant must surrender the following development consent to Council prior to the issue of a Construction Certificate by submitting a completed copy of Form 3 of the Environmental Planning and Assessment Regulation 2000:

Development Consent No.	Dated	For:
DA: 1108/05	4/4/06	Demolition of 3 dwelling houses and construction of 2 residential flat buildings comprising a total of 47 units and basement car parking for 66 vehicles.

**Reason:** To ensure that there is certainty as to the consent applying to the subject land.

## GENERAL CONDITIONS:

### 3. Approved tree works

Approval is given for the following works to be undertaken to trees on the site.

Schedule Tree location	Approved tree works
#1 <i>Liquidambar styraciflua</i> (Sweet Gum) Centrally located in rear garden	Removal
#2 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Centrally located in rear garden	Removal
#3 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-east site corner	Removal
#4 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-east site corner	Removal
#5 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-east site corner	Removal

#12 <i>Dicksonia antarctica</i> (tree Fern)	
Within building footprint	Removal
#13 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
Within building footprint	Removal
#14 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	
Within building footprint	Removal
#15 <i>Howea belmoreana</i> (Kentia palm)	
Within building footprint	Removal
#16 <i>Washingtonia filifera</i> (Fan Palm)	
Within building footprint	Removal
#17 <i>Chrysalidocarpus lutescens</i> (Golden Cane Palm)	
Within building footprint	Removal
#18 <i>Acer palmatum</i> (Japanese Maple)	
Front setback	Removal
#19 <i>Liquidambar styraciflua</i> (Sweet Gum)	
Boyd St nature strip	Removal
#30 <i>Cedrus deodar</i> (Himalayan Cedar)	
Within building footprint	Removal
#31 <i>Ligustrum lucidum</i> (Privet)	
Rear setback	Removal

Removal or pruning of any other tree on the site is not approved.

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

#### 4. Approved landscape plans

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

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
LP 39.07/077	iScape	August 2007

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

#### 5. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

**Reason:** To protect existing trees.

#### 6. Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

<b>Schedule</b>	
<b>Tree/location</b>	<b>Radius from trunk</b>
#10 <i>Cedrus deodar</i> (Himalayan Cedar)	
Adjacent to northern site boundary in neighbouring property	5.0m
#11 <i>Cedrus deodar</i> (Himalayan Cedar)	
Adjacent to northern site boundary in neighbouring property	7.0m
#20 <i>Quercus robur</i> (English Oak)	

Boyd St road reserve	6.0m
#21 <i>Eucalyptus robusta</i> (Swamp Mahogany)	
Boyd St Road reserve	4.0m
#22 <i>Cedrus deodar</i> (Himalayan Cedar)	
Boyd St road reserve	4.0m
#23 <i>Pittosporum undulatum</i> (Native Daphne)	
Boyd St road reserve	5.0m
#24 <i>Jacaranda mimosifolia</i> (Jacaranda)	
Adjacent to south-east site corner	4.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum)	
Neighbouring property	7.0m
#27 <i>Jacaranda mimosifolia</i> (Jacaranda)	
Adjacent to southern site boundary	5.0m
#27a <i>Eucalyptus saligna</i> (Bluegum)	
Boyd St nature strip	2.0m
#28 <i>Michelia figo</i> (Port Wine Magnolia)	
Adjacent to southern site boundary	4.0m
#28a <i>Eucalyptus saligna</i> (Bluegum)	
Boyd St nature strip	2.0m
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle)	
Adjacent to south-west site corner	4.0m

**Reason:** To protect existing trees.

## 7. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree(s) root system

<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#20 <i>Quercus robur</i> (English Oak)	
Boyd St road reserve	6.0m
#21 <i>Eucalyptus robusta</i> (Swamp Mahogany)	
Boyd St road reserve	4.0m
#22 <i>Cedrus deodar</i> (Himalayan Cedar)	
Boyd St road reserve	4.0m
#23 <i>Pittosporum undulatum</i> (Native Daphne)	
Boyd St road reserve	5.0m
#24 <i>Jacaranda mimosifolia</i> (Jacaranda)	
Adjacent to south-east site corner	4.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum)	
Neighbouring property	7.0m

**Reason:** To protect existing trees.

## 8. Tree removal on nature strip

Following removal of Tree #19 *Liquidambar styraciflua* (Sweet Gum) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.



**Reason:** To protect the streetscape.

**9. Canopy replenishment trees to be planted**

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

**Reason:** To maintain the treed character of the area.

**10. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

**11. Trees on nature strip**

Removal/pruning of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

**Schedule**

**Tree/location**

#19 *Liquidambar styraciflua* (Sweet Gum)  
Boyd St nature strip

**Reason:** To ensure protection of existing trees.

**12. Removal of refuse**

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

**Reason:** To protect the environment.

**CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**

**13. Notice to be given prior to demolition or excavation**

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

**Reason:** Statutory requirement.

**14. Notice of commencement**

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

**Reason:** Statutory requirement.

**15. Notification of builder's details**

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

**Reason:** Statutory requirement.

**16. Dilapidation survey and report (public infrastructure)**

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

**Public infrastructure**

- Full road pavement width, including kerb and gutter, of Boyd Street over the site frontage, including the full intersection with Jersey Street.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

**17. Dilapidation survey and report (private property)**

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

**Address**

- \* 12 Boyd Street, Turramurra
- \* "Hillview", 1334 to 1340 Pacific Highway, Turramurra

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

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

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

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

**18. Geotechnical report**

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

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

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

**Reason:** To ensure the safety and protection of property.

## **19. Construction and traffic management plan**

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

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

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

### **2. Traffic control plan(s) for the site**

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

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

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

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

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an

arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

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

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

## **20. Work zone**

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

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

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

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

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

## **21. Erosion and drainage management**

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

**Reason:** To preserve and enhance the natural environment.

## **22. Sediment controls**

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

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

**Reason:** To preserve and enhance the natural environment.

## **23. Temporary construction exit**

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

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

## 24. Noise and vibration management plan

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

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

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

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:****25. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Reason:** To ensure the protection of trees.

**26. Lot consolidation**

Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

**27. Stormwater management plan**

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

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer



Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)

- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the concept plan by AFCE Environment + Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

## **28. Stormwater retention**

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

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

**Reason:** To protect the environment.

## **29. Driveway crossing levels**

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

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

assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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

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

### **30. Driveway grades – basement car parks**

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

### **31. Basement car parking details**

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

proposed vehicle access and accommodation layout and provide written certification on the plans that:

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

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

### **32. Design of works in public road (Roads Act approval)**

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

- Details of the new vehicular crossing to allow satisfactory access to the driveway inside the property while maintaining sight distance along Jersey Street and preserving the three street trees, T19, T20 and T21. The plans is to include accurate existing and proposed ground levels.

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

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

Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

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

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

### **33 Energy Australia requirements**

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

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

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

### **34. Utility provider requirements**

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

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

**35. Long service levy**

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

**Reason:** Statutory requirement.

**36. Outdoor lighting**

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

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

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

**37. Air drying facilities**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Amenity & energy efficiency.

**38. Access for people with disabilities (residential)**

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

#### **39. Adaptable units**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application identified as Unit 3 Unit10, Unit 17 and Unit 24, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

**Reason:** Disabled access & amenity.

#### **40. Garbage storage**

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

**Note:** The architectural plans are to be amended in accordance with this condition (if required) and provided to the Certifying Authority.

**Reason:** Environmental protection.

#### **41. Noise from plant in residential zone**

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

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

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

#### **42. Location of plant (residential flat buildings)**

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

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

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

#### **43. Builder's indemnity insurance**

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

**Reason:** Statutory requirement.

#### **44. External finishes and materials (new building)**

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

- Note:** Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.
- Reason:** To protect the streetscape and the integrity of the approved development.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION**

**45. Infrastructure restorations fee**

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

**“Council Property”** includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

**“Infrastructure Restoration Fee”** means the Infrastructure Restorations Fee calculated in accordance with the Schedule of



Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **46. Public liability insurance – works on public land**

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

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

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

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

#### **47. Section 94 contribution – residential development**

A contribution for each additional dwelling is payable pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

<b>Column A</b>	<b>Column B</b>
community facilities	\$1117.76
park acquisition and embellishment works	\$4723.00
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	\$100.04

**Total contribution payable: \$443,333.04**

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

#### **48. Underground services**

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

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

### **CONDITIONS TO THE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

#### **49. Approved plans to be on site**

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

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

#### **50. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia,
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

**Reason:** Statutory requirement.

**51. Statement of compliance with Australian Standards**

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

**Reason:** To ensure compliance with the Australian Standards.

**52. Demolition, excavation and construction work hours**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday, except with express written approval from Council for out of hours work. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

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

**53. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

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

**54. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the

- builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

#### **55. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties.

#### **56. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

**57. Guarding excavations**

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

**Reason:** To ensure public safety.

**58. Toilet facilities**

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

**Reason:** Statutory requirement.

**59. Protection of public places**

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

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

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

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

**Reason:** To protect public places.

**60. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

#### 61. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

#### 62. Tree protection fencing

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

<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#7 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property.	Along rear site boundary
#8 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	Along rear site boundary
#9 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	Along rear site boundary
#10 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	Along rear site boundary
#11 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary in neighbouring property	Along rear site boundary
#20 <i>Quercus robur</i> (English Oak) Boyd St road reserve	1.5m on western side 6.0m elsewhere
#21 <i>Eucalyptus robusta</i> (Swamp Mahogany) Boyd St road reserve	3.0m

#22 <i>Cedrus deodar</i> (Himalayan Cedar) Boyd St road reserve	4.0m
#23 <i>Pittosporum undulatum</i> (Native Daphne) Boyd St road reserve	4.0m
#24 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south-east site corner	2.0m
#27 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#27a <i>Eucalyptus saligna</i> (Bluegum) Boyd St nature strip	2.0m
#28 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern site boundary	4.0m
#28a <i>Eucalyptus saligna</i> (Bluegum) Boyd St nature strip	2.0m
#29 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to south-west site corner	4.0m

**Reason:** To protect existing trees during the construction phase.

### 63. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

### 64. Tree protection – avoiding soil compaction

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

**Schedule****Tree/Location**

#20 *Quercus robur* (English Oak)  
Boyd St road reserve

**Reason:** To protect existing trees during the construction phase.

**65. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

**Reason:** To protect existing trees during the construction phase.

**66. Engineering fees**

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

**Reason:** To protect public infrastructure.

**67. Post-construction dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

**Reason:** Management of records.

**68. Further geotechnical input**

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction



works must be in accordance with the report submitted prior to commencement of works. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs

**Reason:** To ensure the safety and protection of property.

#### **69. Compliance with submitted geotechnical report**

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

Geotechnical aspects of the development work, namely:

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

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

**Reason:** To ensure the safety and protection of property.

#### **70. Approval for rock anchors**

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

**Reason:** To ensure the ongoing safety and protection of property.

#### **71. Maintenance period for works in the public road**

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

written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.

**Reason:** To protect public infrastructure.

## **72. Road reserve safety**

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

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

## **73. Road repairs necessitated by excavation and construction works**

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

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

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

**Reason:** To protect public infrastructure.

## **74. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with

the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.

**Reason:** Access to public utilities.

## **75. Temporary rock anchors**

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

**Reason:** To ensure the ongoing safety and protection of property.

## **76 Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These

measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

**77. Drainage to street**

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

**Reason:** To protect the environment.

**78. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

**79. Sydney Water Section 73 Compliance Certificate**

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-develop" 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.

**Reason:** Statutory requirement.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN  
OCCUPATION CERTIFICATE:**

**80. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 146624M have been complied with.

**Reason:** Statutory requirement.

**81. Clotheslines and clothes dryers**

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

**Reason:** To provide access to clothes drying facilities.

**82. Mechanical ventilation**

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

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

**83. Fire safety certificate**

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

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

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

**84. Retention and re-use positive covenant**

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

**Reason:** To protect the environment.

**85. Provision of copy of OSD designs if Council is not the PCA**

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

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

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

**86. Certification of drainage works**

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

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

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

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the

above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

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

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

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

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

**Reason:** To protect the environment.

**88. Basement pump-out maintenance**

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

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

**Reason:** To protect the environment.

**89. OSD positive covenant/restriction**

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

**Reason:** To protect the environment.

**90. Sydney Water Section 73 Compliance Certificate**

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

**Reason:** Statutory requirement.

**91. Certification of as-constructed driveway/car park – RFB**

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
  - Australian Standard 2890.1 – "Off-street car parking",



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

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

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

## **92. Reinstatement of redundant crossings and completion of infrastructure works**

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

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

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

**Reason:** To protect the streetscape.

## **93. Construction of works in public road – approved plans**

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

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

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

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

#### **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

##### **94. Outdoor lighting**

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

##### **95. Noise control – plant and machinery**

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

**Reason:** To protect the amenity of surrounding residents.

##### **96. Car parking**

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

These requirements are to be enforced through the following:

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

**Reason:** To ensure adequate provision of visitor parking spaces.

#### **97. Mechanical ventilation**

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

1. The installation and performance of the mechanical systems complies with:
  - the Building Code of Australia
  - Australian Standard AS1668
  - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

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

**Reason:** To protect the amenity of surrounding properties.

#### **98. Accessibility**

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

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

**Reason:** Disabled access & services.

**99. Completion of landscape works**

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

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

**100. No door restricting internal waste collection in basement**

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

**Reason:** To ensure unrestricted access for waste collection vehicles.

**101. Railcorp condition**

The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**102. Railcorp condition**

Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of detailed dilapidation reports may be required as a result.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**103. Railcorp condition**

An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with RailCorp Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**104. Railcorp condition**

The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk. The Applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**105. Railcorp condition**

The Applicant shall provide a Geotechnical Engineering report to RailCorp for review by RailCorps Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**106. Railcorp condition**

During all stages of the development environmental legislation and regulations will be complied with.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**107. Railcorp condition**

During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

#### **108. Railcorp condition**

During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

#### **109. Railcorp condition**

Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Rail Corp.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

#### **110. Railcorp condition**

During excavation the Applicant is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the applicant/contractor would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

#### **111. Railcorp condition**

To ensure that graffiti can be easily removed, solid fencing and/or retaining walls facing the rail corridor which could be vulnerable to graffiti are to be coated with anti-graffiti paint or other similar protective coating.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**112. Railcorp condition**

The existing common boundary fence is considered adequate and must remain intact throughout the construction works and thereafter. Should enhancements be desired RailCorp must be contacted to ensure adequate safety measures are taken whilst work is carried out.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**113 Railcorp condition**

The developer is required to enter into an agreement with rail defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring appropriate the appropriate safety and technical standards are complied with throughout the development.

**Reason:** To ensure the development is carried out in accordance with Railcorp's policies for development adjacent to a rail corridor.

**CARRIED UNANIMOUSLY**

521

**26 Marian Street, Killara - Demolition of Three (3) Dwelling Houses & Construction of a Residential Flat Building comprising 32 Units & Basement Car Parking for 70 Vehicles**

File: DA0820/07

Ward: Gordon

Applicant: Steve Donnellan

Owner: Marian Street Pty Ltd

To determine development application 0820/07, which seeks consent for the demolition of three (3) dwelling houses and construction of a residential flat building comprising 32 units and basement car parking for 70 vehicles

**Resolved:**

(Moved: Councillors Lane/Shelley)

THAT the Council, as the consent authority, grant development consent to DA 820/07 for demolition of three (3) dwelling houses and construction of a residential flat building comprising 32 units and basement car parking for 70 vehicles on land at 26 to 30 Marian Street, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**CONDITIONS THAT IDENTIFY APPROVED PLANS:****1. Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Job No.</b>	<b>Dwg No.</b>	<b>Drawn by</b>	<b>Dated</b>
2718	01	Wolski Lycenko and Brecknock	29/8/07
2718	02	Wolski Lycenko and Brecknock	29/8/07
2718	03	Wolski Lycenko and Brecknock	29/8/07
2718	04	Wolski Lycenko and Brecknock	29/8/07
2718	05	Wolski Lycenko and Brecknock	29/8/07
2718	06	Wolski Lycenko and Brecknock	29/8/07
2718	07	Wolski Lycenko and Brecknock	29/8/07
2718	08	Wolski Lycenko and Brecknock	29/8/07
2718	09	Wolski Lycenko and Brecknock	29/8/07
4056		TJ Gilbert and Associates	10/3/04

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

**2. Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

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

**CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:****3. Tree protective fencing type galvanised mesh**

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

**Reason:** To protect existing trees during construction phase

**4. Tree protection fencing**

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

**Schedule****Tree/location****Radius in metres**

#1 Magnolia soulangeana (Soul's Magnolia) Adjacent to southern site boundary	2.0m
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#2 Tibouchina lepidota (Tibouchina) Adjacent to southern site boundary	3.0m
#3 Melaleuca bracteata (Melaleuca) Adjacent to southern site boundary	3.0m
#4 Agonis flexuosa (Willow Myrtle) Adjacent to southern site boundary in neighbouring property	3.0m
#6 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	7.0m
#15 Cedrus deodar (Himalayan Cedar) 7.0m elsewhere Adjacent to southern site boundary	3.0m on northern side
#16 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	4.0m 2.0m to northeast
#21 Cupressus macrocarpa (Cypress) Adjacent to western site boundary in neighbouring property	3.0m
#22 Cupressus macrocarpa (Cypress) Adjacent to western site boundary in neighbouring property	3.0m
#23 Robinia pseudoacacia 'Frisia' (Golden Robinia) Adjacent to western site boundary in neighbouring property	3.0m
#24 Camellia sasanqua (Chinese Camellia) Adjacent to northwest site corner in neighbouring property	3.0m
#27 Jacaranda mimosifolia (Jacaranda) access Marian St nature strip	4.0m maintaining pedestrian
#28 Jacaranda mimosifolia (Jacaranda) access Marian St nature strip	4.0m maintaining pedestrian
#29 Jacaranda mimosifolia (Jacaranda) access Marian St nature strip	4.0m maintaining pedestrian
#31 Eucalyptus saligna (Bluegum) access Adjacent to northern site boundary	8.0m maintaining pedestrian along Marian St

#32 Eucalyptus saligna (Bluegum) access Adjacent to northern site boundary	8.0m maintaining pedestrian along Marian St
#33 Cornus florida (Dogwood) Adjacent to southeast site corner	3.0m
#34 Nyssa sylvatica (Tupelo) Adjacent to southern site boundary	2.0m to northwest 3.0m elsewhere
#35 Pittosporum undulatum (Sweet Pittosporum) Adjacent to southern site boundary	3.0m

**Reason:** To protect existing trees during the construction phase.

## 5. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- the name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

## 6. Tree protection mulching

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

**Reason:** To protect existing trees during the construction phase.

## 7. Tree protection – avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if mechanical or repeated pedestrian thoroughfare is required:

**Schedule****Tree location**

#6 Eucalyptus saligna (Bluegum)  
Adjacent to northern site boundary

#15 Cedrus deodar (Himalayan Cedar)  
Adjacent to southern site boundary

#16 Cedrus deodar (Himalayan Cedar)  
Adjacent to southern site boundary

#31 Eucalyptus saligna (Bluegum)  
Adjacent to northern site boundary

#32 Eucalyptus saligna (Bluegum)  
Adjacent to northern site boundary

#34 Nyssa sylvatica (Tupelo)  
Adjacent to southern site boundary

**Reason:** To protect existing trees during the construction phase.

**8. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

**Reason:** To protect existing trees during the construction phase.

**9. Notice to be given prior to demolition or excavation**

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

**Reason:** Statutory requirement.

**10. Notice of commencement**

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

**Reason:** Statutory requirement.

**11. Notification of builder's details**

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and

contractor licence number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

## 12. Dilapidation survey and report (public infrastructure)

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

### **Public infrastructure**

- Full road pavement width, including kerb and gutter, of Marian and Caithness Streets over the site frontage, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

## 13. Surrender of development consent

The applicant must surrender the following development consent to Council by submitting a completed copy of Form 3 of the Environmental Planning and Assessment Regulation 2000:

<b>Development Consent No.</b>	<b>Dated</b>	<b>For:</b>
DA: 1243/04	24/5/04	Demolition of three (3) dwellings and construction of a 5 storey multi unit dwelling building containing 27 units with basement parking for 61 vehicles

**Reason:** To ensure that there is certainty as to the consent applying to the subject land.

#### 14. Dilapidation survey and report (private property)

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

**Address**

- 32 Marian Street
- 2 Caithness Street

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

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

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

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

#### 15. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation as recommended in the report by Jeffery and Katauskas. The report is to address such matters as:

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

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

**Reason:** To ensure the safety and protection of property.

## 16. Construction and traffic management plan

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

- **A plan view of the entire site and frontage roadways indicating:**
  - dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
  - turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
  - the locations of proposed work zones in the frontage roadways
  - location of any proposed crane and concrete pump and truck standing areas on and off the site
  - a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
  - material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
  - an on-site parking area for employees, tradespersons and construction vehicles as far as possible

- **Traffic control plan(s) for the site**

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

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

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

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

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are

aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

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

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

## **17. Work zone**

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

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

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

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the

extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

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

#### **18. Erosion and drainage management**

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

**Reason:** To preserve and enhance the natural environment.

#### **19. Noise and vibration management plan**

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

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and



- duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**

**20. Amendments to approved landscape plan**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
45.07/086	iScale	August 2007

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

- Planting adjacent to the western site boundary is to be increased so that there is more than one layer of planting. Additional large screening shrubs are required to be planted and the mulched access path reduced in width.

**Reason:** To ensure adequate landscaping of the site

**21. Builder's indemnity insurance**

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

**Reason:** Statutory requirement.

**22. External finishes, colours and materials (heritage items and conservation areas)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall submit a colour scheme and or materials board to Council's Heritage Advisor for approval. A written acknowledgement from Council's Heritage Advisor must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

**Reason:** To protect heritage items and conservation areas.

**23. Access for people with disabilities (residential)**

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

**24. Adaptable units**

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

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

**Reason:** Disabled access & amenity.

**25. Archival recording of buildings**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has

been completed and submitted to Council's Heritage Advisor for the following properties:

**Address**

- 26, 28 & 30 Marian Street, Killara

The report must be a bound A4 report, prepared by a recognised NSW Heritage Office heritage consultant and must contain the following minimum requirements:

- title page
- statement of reasons the recording was made
- outline history of the item (including title records, subdivision plans, water and sewerage plans and any archival documents such as family records, old photographs, etc)
- statement of a heritage significance (to accepted Heritage Council criteria)
- specialised reports such as heritage assessments, dilapidation report, and builders or engineers reports
- location plan showing relationship of site to nearby area
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- measured drawing including site survey, floor plans, all elevations, roof plan and one cross section (1:00)
- drawings of specific interiors or details nominated by Council's Heritage Advisor
- room inventories noting materials, profile of nominated decorative elements (1:2) and nominated by Council's Heritage Advisor
- black & white archival quality photographs, contact prints, with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- colour slides (one set)
- colour photographs (one copy with negatives)

Digital images and CDs may be submitted as supplementary information.

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

- each elevation
- each interior room
- photographs of specific details nominated by Council's Heritage Advisor
- all structures on site, such as sheds, outhouses and significant landscape features
- several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings

**Note:** Three copies of the report must be submitted to Council's Heritage Advisor, one copy with negatives. A written acknowledgment from Council must be obtained (attesting to this condition being

appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works on site.

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

## **26. Stormwater management plan**

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

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the stormwater concept plan by AFCE Environment + Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

## **27. Stormwater retention**

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

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

**Reason:** To protect the environment.

## **28. Noise from plant in residential zone**

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

**C1. Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

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

## **29. Location of plant (residential flat buildings)**

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

**C1. Note:** Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

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

### 30. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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

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

### 31. Driveway grades – basement car parks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

**Reason:** To provide suitable vehicular access without disruption to

pedestrian and vehicular traffic.

### **32. Basement car parking details**

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

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

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

### **33. Design of works in public road (Roads Act approval)**

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

- Construction of a 1.2 metre wide footpath from the site frontage, to Council’s standard detail.

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

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the

drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

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

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

#### **34. Energy Australia requirements**

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

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

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

#### **35. Utility provider requirements**

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

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

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**

#### **36. Infrastructure restorations fee**

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



- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:  
  

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure

### **37. Section 94 contribution – residential development**

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

<b>Column A</b>	<b>Column B</b>
community facilities	\$ 1,117.76
park acquisition and embellishment works	\$6,384.75
sportsgrounds works	\$1,318.32

aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	\$100.04

**Total contribution is: \$760,821.98**

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

#### **CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

##### **38. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

##### **39. Removal of refuse**

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

**Reason:** To protect the environment.

##### **40. Approved tree works**

Approval is given for the following works to be undertaken to trees on the site:

<b>Schedule Tree location</b>	<b>Approved tree works</b>
#5 Schefflera arboricola (Umbrella Tree) Adjacent to northern site boundary	Removal
#7 Xylosma senticosa (Xylosma) Adjacent to northern site boundary	Removal
#8 Xylosma senticosa (Xylosma) Adjacent to northern site boundary	Removal

#9 Chamaecyparis obtusa (Hinoki Cypress) Adjacent to northern site boundary	Removal
#10 Arecastrum romanzoffianum (Cocco's Palm) Within front setback	Removal
#11 Arecastrum romanzoffianum (Cocco's Palm) Within proposed building footprint	Removal
#12 Jacaranda mimosifolia (Jacaranda) Within proposed building footprint	Removal
#13 Persea americana (Avocado) Within proposed building footprint	Removal
#17 Cupressus spp (Cypress Pine) Within proposed building footprint	Removal
#18 Eucalyptus spp (Eucalypt) Within proposed building footprint	Removal
#19 Citrus limon (Lemon) Adjacent to southwest site corner	Removal
#20 Schefflera arboricola (Umbrella Tree) Adjacent to southwest site corner	Removal
#36 Schinus areira (Peppercorn) Within proposed building footprint	Removal
#37 Jacaranda mimosifolia (Jacaranda) Within proposed building footprint	Removal

Removal or pruning of any other tree on the site is not approved.

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

#### 41. Arborist's report

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

<b>Schedule Tree/location</b>	<b>Time of inspection</b>
All existing trees to be retained on site and within the nature strip	Prior to demolition After demolition Prior to excavation After excavation After regrading of site

Every four (4) months during construction  
Completion of building works  
Completion of all works on site

**Reason:** To ensure protection of existing trees

#### 42. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

**Reason:** To protect existing trees.

#### 43. Cutting of tree roots

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

<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#1 Magnolia soulangeana (Soul's Magnolia) Adjacent to southern site boundary	3.0m
#2 Tibouchina lepidota (Tibouchina) Adjacent to southern site boundary	4.0m
#3 Melaleuca bracteata (Melaleuca) Adjacent to southern site boundary	4.0m
#4 Agonis flexuosa (Willow Myrtle) Adjacent to southern site boundary in neighbouring property	5.0m
#6 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#15 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	5.0m on northern side 7.0m elsewhere
#16 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	5.0m 2.0m to northeast
#21 Cuppressus macrocarpa (Cypress) Adjacent to western site boundary in neighbouring property	3.0m
#22 Cuppressus macrocarpa (Cypress)	3.0m

Adjacent to western site boundary in  
neighbouring property

#23 Robinia pseudoacacia 'Frisia' (Golden Robinia) 3.0m

Adjacent to western site boundary in  
neighbouring property

#24 Camellia sasanqua (Chinese Camellia) 3.0m

Adjacent to northwest site corner in  
neighbouring property

#27 Jacaranda mimosifolia (Jacaranda) 4.0m

Marian St nature strip

#28 Jacaranda mimosifolia (Jacaranda) 4.0m

Marian St nature strip

#29 Jacaranda mimosifolia (Jacaranda) 4.0m

Marian St nature strip

#31 Eucalyptus saligna (Bluegum) 8.0m

Adjacent to northern site boundary

#32 Eucalyptus saligna (Bluegum) 8.0m

Adjacent to northern site boundary

#33 Cornus florida (Dogwood) 3.0m

Adjacent to southeast site corner

#34 Nyssa sylvatica (Tupelo) 3.0m

Adjacent to southern site boundary

#35 Pittosporum undulatum (Sweet Pittosporum) 3.0m

Adjacent to southern site boundary

**Reason:** To protect existing trees.

#### 44. Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s)  
shall be hand dug:

##### **Schedule**

##### **Tree/location**

##### **Radius from trunk**

#1 Magnolia soulangeana (Soul's Magnolia) 3.0m

Adjacent to southern site boundary

#2 Tibouchina lepidota (Tibouchina) 4.0m

Adjacent to southern site boundary

#3 Melaleuca bracteata (Melaleuca) 4.0m

Adjacent to southern site boundary

#4 Agonis flexuosa (Willow Myrtle) Adjacent to southern site boundary in neighbouring property	5.0m
#6 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#15 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	5.0m on northern side 7.0m elsewhere
#16 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	5.0m 2.0m to northeast
#21 Cuppressus macrocarpa (Cypress) Adjacent to western site boundary in neighbouring property	3.0m
#22 Cuppressus macrocarpa (Cypress) Adjacent to western site boundary in neighbouring property	3.0m
#23 Robinia pseudoacacia 'Frisia' (Golden Robinia) Adjacent to western site boundary in neighbouring property	3.0m
#24 Camellia sasanqua (Chinese Camellia) Adjacent to northwest site corner in neighbouring property	3.0m
#27 Jacaranda mimosifolia (Jacaranda) Marian St nature strip	4.0m
#28 Jacaranda mimosifolia (Jacaranda) Marian St nature strip	4.0m
#29 Jacaranda mimosifolia (Jacaranda) Marian St nature strip	4.0m
#31 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#32 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#33 Cornus florida (Dogwood) Adjacent to southeast site corner	3.0m
#34 Nyssa sylvatica (Tupelo) Adjacent to southern site boundary	3.0m
#35 Pittosporum undulatum (Sweet Pittosporum) Adjacent to southern site boundary	3.0m

**Reason:** To protect existing trees.

#### 45. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree(s) root system:

<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#6 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#15 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	5.0m on northern side 7.0m elsewhere
#16 Cedrus deodar (Himalayan Cedar) Adjacent to southern site boundary	5.0m 2.0m to northeast
#31 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#32 Eucalyptus saligna (Bluegum) Adjacent to northern site boundary	8.0m
#34 Nyssa sylvatica (Tupelo) Adjacent to southern site boundary	3.0m

**Reason:** To protect existing trees.

#### 46. Tree planting on nature strip

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

<b>Schedule Tree/ species</b>	<b>Quantity</b>	<b>Location</b>
Jacaranda mimosifolia (Jacaranda)	6	Evenly spaced within the Marian St nature strip

**Reason:** To provide appropriate landscaping within the streetscape.

#### 47. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate.

**Schedule  
Species/from**

**To**

#25 Camellia japonica  
(Japanese Camellia)  
Adjacent to northern site boundary

As shown on landscape plan

#26 Camellia japonica  
(Japanese Camellia)  
Adjacent to northern site boundary

As shown on landscape plan

#30 Magnolia soulangeana  
(Soul's Magnolia)  
Within building footprint

As shown on landscape plan

**Reason:** To protect the trees during transplanting.

**48. Canopy replenishment trees to be planted**

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

**Reason:** To maintain the treed character of the area.

**49. Approved plans to be on site**

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

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

**50. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before



any works commence.

**Reason:** Statutory requirement.

#### **51. Statement of compliance with Australian Standards**

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

**Reason:** To ensure compliance with the Australian Standards.

#### **52. Demolition, excavation and construction work hours**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday, except with approval in writing from Council in relation to permitted out of hours work. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

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

#### **53. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

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

#### **54. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof

- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information.

#### **55. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

**Reason:** To protect the environment and amenity of surrounding properties.

#### **56. Post-construction dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

**Reason:** Management of records.

#### **57. Further geotechnical input**

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs

**Reason:** To ensure the safety and protection of property.

#### **58. Compliance with submitted geotechnical report**

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

Geotechnical aspects of the development work, namely:

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

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

**Reason:** To ensure the safety and protection of property.

#### **59. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

**60. Guarding excavations**

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

**Reason:** To ensure public safety.

**61. Toilet facilities**

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

**Reason:** Statutory requirement.

**62. Protection of public places**

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

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

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

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

**Reason:** To protect public places.

**63. Certification of footings & excavation adjacent to easements**

During demolition and construction, the Principal Certifying Authority shall be satisfied that:

- footings, and any required permanent excavation or drainage easement support, are constructed in accordance with the conditions of this consent relating to footings and excavation adjacent to drainage easements and/or drainage pipes
- footings allow for complete future excavation over the full width of the easement to a depth of the invert of the pipe, without the need to support or underpin the subject structure

**Reason:** Safety.

**64. Recycling of building material (general)**

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

**65. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

**66. Approval for rock anchors**

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

**Reason:** To ensure the ongoing safety and protection of property.

**67. Maintenance period for works in public road**

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

**Reason:** To protect public infrastructure.

**68. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe

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

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

#### **69. Road repairs necessitated by excavation and construction works**

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

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

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

**Reason:** To protect public infrastructure.

#### **70. Services**

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

**Reason:** Provision of utility services.

#### **71. Temporary rock anchors**

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the

works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

**Reason:** To ensure the ongoing safety and protection of property.

## **72. Drainage to street**

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

**Reason:** To protect the environment.

## **73. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

**74. Sydney Water Section 73 Compliance Certificate**

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 Co-ordinator. The applicant is to refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-develop” 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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:****75. Completion of landscape works**

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

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

**76. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in the relevant BASIX Certificate No. have been complied with.

**Reason:** Statutory requirement.

**77. Accessibility**

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

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



**Reason:** Disabled access & services.

#### **78. Retention and re-use positive covenant**

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

**Reason:** To protect the environment.

#### **79. Provision of copy of OSD designs if Council is not the PCA**

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

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

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

#### **80. Creation of a floodway restriction**

Prior to issue of the Occupation Certificate, the applicant must create of a restriction-on-use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the Overland Flow Management Concept Plan by AFCE Environment + Building and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

**Reason:** To protect the environment.

**81. Certification of drainage works (dual occupancies and above)**

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans, including the provision of an overland flowpath as shown on Drawing 342820/B3/2 by AFCE Environment + Building
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

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

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

**Reason:** To protect the environment.

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

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

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system

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

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

**Reason:** To protect the environment.

### **83. Basement pump-out maintenance**

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

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

**Reason:** To protect the environment.

### **84. OSD positive covenant/restriction**

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

**Reason:** To protect the environment.

**85. Sydney Water Section 73 Compliance Certificate**

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

**Reason:** Statutory requirement.

**86. Certification of as-constructed driveway/car park – RFB**

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

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

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

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

**87. Reinstatement of redundant crossings and completion of infrastructure works**

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

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

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

**Reason:** To protect the streetscape.

#### **88. Construction of works in public road – approved plans**

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

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

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

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

#### **89. Fire safety certificate**

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

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

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

**CONDITIONS TO BE SATISFIED AT ALL TIMES:****90. No door restricting internal waste collection in basement**

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

**Reason:** To facilitate access to the garbage collection point.

**CARRIED UNANIMOUSLY**

**522 Ku-ring-gai Community Workshop "The Shed"**

File: S05268

To update Council on progress regarding the establishment of a community workshop 'The Shed' in Ku-ring-gai.

**Resolved:**

(Moved: Councillors Shelley/Anderson)

- A. That Council supports the establishment of the Community Workshop, "The Shed", at West Lindfield Sport and Recreation Club, subject to suitable agreement between the Sport and Recreation Club and the Ku-ring-gai Community Workshop "The Shed" Inc.
- B. That Council allocate \$40,000 to undertake the necessary works to convert the lower ground floor of the West Lindfield Sports and Recreation Club to "The Shed".
- C. That \$40,000 be allocated from the pre 1993 Section 94 Plan.

**CARRIED UNANIMOUSLY**

**523 Annual Tenders - Pavement Rehabilitation**

File: S06189

To seek Council's approval to accept the schedule of rates tender T04/2007 for the Pavement Rehabilitation by either stabilisation or other means.

**Resolved:**

(Moved: Councillors Lane/Malicki)

- A. That the tender rates submitted by Stabilised Pavement of Australia for pavement rehabilitation for 2007/2008 be accepted.
- B. That the tender rates submitted by Downer Edi Works be accepted as an alternate contractor, if Stabilised Pavement of Australia cannot meet the target.
- C. That the tenderers be advised of Council's decision.
- D. That authority be given to the Mayor and General Manager to affix the Common Seal of Council to the instrument for the Contract for the Pavement Rehabilitation by Stabilisation and associated specifications.

**CARRIED UNANIMOUSLY**

524 **Town Centres Section 94 Contributions Plan Update Report**

File: S04495

To provide Council with an update on progress on the Draft Town Centres Section 94 Contributions Plan with respect to the resolution of 30 October 2007 and in the context of recent developments at State Government level.

**Resolved:**

(Moved: Councillors Lane/Cross)

- A. That Council receive and note the progress report on the Town Centres Section 94 Contributions Plan.
- B. That staff continue to progress the draft Town Centres Section 94 Contributions Plan in the context of:
  - i. The Council resolution of 30 October 2007.
  - ii. Outcomes from the Department of Planning in relation to Development Contributions under Section 94 of the *Environmental Planning and Assessment Act 1979*.
- C. That a further report be brought back to Council early in 2008.

**CARRIED UNANIMOUSLY**

525 **205 Mona Vale Road, St Ives - Lease Renewal**

File: P64467

For Council to consider the lease renewal of 205 Mona Vale Road, St Ives, to the current tenants for a further five [5] year term.

**Resolved:**

(Moved: Councillors Hall/Bennett)

- A. That Council enter into a lease agreement for a further five [5] years with Franco and Pina Berneschi T/A the Old School Trattoria, in the terms and conditions contained within this report.
- B. That the Mayor and General Manager are delegated authority to execute all documentation associated with the lease.
- C. That Council affix the Common Seal to any necessary documents.
- D. That public notification of the proposed lease be undertaken in accordance with Section 47A of the Local Government Act 1993.

**CARRIED UNANIMOUSLY**

526 **Heritage Advisory Committee – Minutes of Meeting held 29 October 2007**

File: S03816

To report to Council the minutes from the Heritage Advisory Committee Meeting held on 29 October 2007.

**Resolved:**

(Moved: Councillors Lane/Anderson)

That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on Monday, 29 October 2007.

**CARRIED UNANIMOUSLY**



**527 Heritage Advisory Committee - Minutes of Meeting held 3 December 2007**

.  
File: S03816

To report to Council the minutes from the Heritage Advisory Committee meeting held 3 December 2007.

**Resolved:**

(Moved: Councillors Lane/Anderson)

- A. That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on Monday 3 December 2007.
- B. That the Heritage Advisory Committee recommends the following in relation to DA 0416/07, 12 Woonona Avenue, Wahroonga:
  - 1. That on consideration of Clause 61E of the Ku-ring-gai Planning Scheme Ordinance, does not support the application, being of the opinion that the scale and bulk of the proposal, with the proximity to The Briars, will have an unacceptable impact upon the heritage significance of The Briars as a state heritage significant item and upon its amenity as a home, which supports its conservation.
  - 2. That if a decision on the Development Application is deferred, then the NSW Heritage Office be formally approached seeking a list of suitable independent heritage consultants to undertake an independent heritage assessment of the proposal.

**CARRIED UNANIMOUSLY**

**528 North Sub-Region Draft Sub-Regional Strategy**

.  
File: S04554

To present to Council a draft submission on the Draft North Sub-Regional Strategy.

**Resolved:**

(Moved: Councillors Lane/Shelley)

- A. That the draft submission on the North Subregional Strategy be endorsed by Council and placed on Council's website for the information of residents.
- B. That the final submission be reported back to Council on 5 February 2008 prior to being submitted to the Department of Planning.

**CARRIED UNANIMOUSLY**

529

**Proposed Extinguishment of Drainage Easement & Creation of New Drainage Easement benefiting Council Land at 1192 Pacific Highway (Secret Garden)**

.  
File: P54876

To consider granting approval to extinguish a drainage easement over Lot 6 DP30236 (4 Clydesdale Place) which benefits Council land at 1192 Pacific Highway, Pymble, and to create a new drainage easement over Lot 5 DP30236 (6 Clydesdale Place, Pymble) to benefit Council land.

**Resolved:**

(Moved: Councillors Lane/Shelley)

- A. That Council approve the extinguishment of the existing drainage easement over Lot 5 DP30236 and the creation of a new easement over Lot 5 DP30236 , to benefit Council's land at 1192 Pacific Highway, Pymble, as outlined in this report, subject to the following condition:
  - 1. Council's solicitors to check the documentation associated with the extinguishment and creation prior to affixing of the Common Seal.
- B. That Council write to the Applicant to advise the terms and conditions for the extinguishment and creation of the easement.
- C. That Council authorise the Mayor and General Manager to sign the documentation associated with the extinguishment and creation of the easement.
- D. That Council authorise the affixing of the Common Seal to the documentation associated with the extinguishment and creation of the easement.

**CARRIED UNANIMOUSLY**

530

**Native Vegetation Mapping Process for the Ku-ring-gai Local Government Area**

.  
File: S03349

To report to Council the proposed methodology for mapping vegetation across the Ku-ring-gai local government area.

**Resolved:**

(Moved: Councillors Lane/Cross)

- A. That Council note the report and method.
- B. That interim results be reported to the Bushland, Catchments and Natural Areas Reference Group.
- C. That the Final report be provided to Council by December 2008.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with Item GB.20 first  
and items where there are speakers which was moved by  
Councillors Malicki & Andrews  
and was CARRIED UNANIMOUSLY*

531 **Legal Advice - Land Reclassification Component for Ku-ring-gai Local  
Environmental Plan (2006) Town Centres**  
*(Section 10A(2)(g) - Advice concerning litigation)*

File: S05094

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

**C Berlioz**

Report by Senior Urban Planner, Manager Urban Planning & Corporate Lawyer dated  
3 December 2007.

**Resolved:**

(Moved: Mayor, Councillor Ebbeck/Councillor Hall)

- A. That Council reactivate the reclassification process of Council owned land which was previously deferred by Council resolution on 30 October 2007.
- B. That Council place the relevant draft amendments concerning reclassification on public exhibition and schedule the mandatory public hearing required under Section 29 of the Local Government Act to occur after expiration of the public exhibition period.
- C. That such exhibition not commence until February 2008, giving our community time to comment.

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

*Against the Resolution:   Councillors Bennett, Cross & Malicki*

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

*(Moved: Councillors Bennett/Malicki)*

*That this item be deferred and placed on the Agenda for the first meeting of  
2008 to allow the public to have an opportunity to comment, in accordance with  
the Local Government Act.*

532 **12 Woonona Avenue, Wahroonga**

File: DA0416/07

Ward: Wahroonga

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

**P Sotiriou  
R Staas  
J Fuller  
A Fuller  
R Moore**

To refer the application back to Council following the proposal's referral to the  
Heritage Advisory Committee.

**Council adjourned for a short interval at 9.15pm  
after a Motion moved by Councillors Shelley & Cross was CARRIED  
and the Chairperson ruled accordingly.**

**The Meeting resumed at 9.40pm**

**Those present were:**

The Mayor, Councillor N Ebbeck  
Councillor Anderson  
Councillor Andrew  
Councillor Bennett  
Councillor Cross  
Councillor Hall  
Councillor Lane  
Councillor Malicki  
Councillor Shelley

**Resolved:**

(Moved: Councillors Shelley/Anderson)

That the application be refused on the following grounds:

1. That Council, on consideration of Clause 61E of the Ku-ring-gai Planning  
Scheme Ordinance, does not support the application, being of the opinion that

the scale and bulk of the proposal, with the proximity to The Briars, will have an unacceptable impact upon the heritage significance of The Briars as a state heritage significant item and upon its amenity as a home, which supports its conservation.

2. That the SEPP1 objection is not well founded and therefore Council does not support the objection.

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

*Against the Resolution: Councillor Lane*

*The above Resolution was CARRIED as a Foreshadowed Motion to the Original Motion and an Amendment, both of which were LOST.*

*The LOST Original Motion was:*

*(Moved: Councillors Cross/Lane)*

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

# **1. APPROVAL – SEPP 1 REQUIRED**

*THAT Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to minimum site area requirement under Cl.25E of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the underlying objectives of the control and strict compliance with the development standard would tend to hinder the achievement of the Objects of Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.*

## **AND**

*THAT 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 416/07 is consistent with the aims of the Policy, grant development consent for a residential flat building on land at 12 Woonona Avenue, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:*

## **CONDITIONS THAT IDENTIFY APPROVED PLANS:**

### **1. Approved architectural plans and documentation (new development)**

*The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:*

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
DA01a, DA02a, DA03, DA04a, DA05a, DA06a	Wolski Lycenko Brecknock Architects	May 2007

<i>Survey Plan 060106CP</i>	<i>V W Cochrane &amp;</i>	<i>17/01/2006</i>
<i>Sheet 1 of 2 &amp; 2 of 2</i>	<i>Associates Pty Ltd</i>	
<i>Hydraulic Details S-07-20094</i>		
<i>Civil &amp; Structural Engineering</i>	<i>Design Services Pty Ltd</i>	<i>08/08/2007</i>
<i>EF01 External Finishes</i>	<i>Wolski Lycenko Brecknock</i>	
	<i>Architects</i>	<i>May 2007</i>

<b>Document(s)</b>	<b>Dated</b>
<i>Statement of Environmental Effects by Metroplan</i>	<i>May 2007</i>
<i>SEPP 1 Objection by Metroplan</i>	<i>August 2007</i>
<i>Assessment of Traffic and Parking Implications by</i> <i>Transport and Traffic Planning Associates</i>	<i>August 2007</i>
<i>Preliminary Geotechnical Report by Jack Hodgson Consultants</i>	<i>18 April 2006</i>
<i>Tree Management Report by Naturally Trees</i> <i>Arboricultural Consulting</i>	<i>11 May 2007</i>
<i>Landscape specification by iScape Landscape Architecture</i>	<i>May 2007</i>
<i>BASIX Certificate 146816M</i>	<i>4 July 2007</i>

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

## **2. Inconsistency between documents**

*In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.*

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

## **3. Approved landscape plans**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
<i>30.07/050, Rev A &amp; 30.07/051</i>	<i>iScape</i>	<i>May 2007</i>

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

## **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**

### **4. Notice of commencement**

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

**Reason:** *Statutory requirement.*

**5. Notification of builder's details**

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

**Reason:** *Statutory requirement.*

**6. Dilapidation survey and report (public infrastructure)**

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

**Public infrastructure**

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

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

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

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

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

**7. Construction and traffic management plan**

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

**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 and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site*
- *the locations of proposed work zones in the frontage roadways*
- *location of any proposed crane and concrete pump and truck standing areas on and off the site*
- *a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries*
- *material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected*
- *an on-site parking area for employees, tradespersons and construction vehicles as far as possible*

**B. Traffic control plan(s) for the site**

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

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

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

*Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.*

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

*The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.*

*The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.*



*The plan must provide measures for minimising construction related traffic movements during school peak periods.*

*For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.*

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

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

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

## **8. Work zone**

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

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

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

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

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

## **9. Erosion and drainage management**

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

**Reason:** *To preserve and enhance the natural environment.*

## **10. Tree protection fencing**

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

### **Schedule**

<b>Tree/location</b>	<b>Radius in Metres</b>
<i>Tree 7 Syncarpia glomulifera (Turpentine)</i>	<i>5 metres</i>
<i>Tree 12 Cupressus macrocarpa (Monterey Cypress)</i>	<i>5 metres</i>
<i>Tree 14 Jacaranda mimosifolia (Jacaranda)</i>	<i>5 metres</i>

**Reason:** *To protect existing trees during the construction phase.*

## **11. Tree protection signage**

*Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:*

- *tree protection zone*
- *this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted*

- *any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report*
- *the arborist's report shall provide proof that no other alternative is available*
- *the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council*
- *The name, address, and telephone number of the developer.*

**Reason:** *To protect existing trees during the construction phase.*

#### **12. Tree protection mulching**

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

**Reason:** *To protect existing trees during the construction phase.*

#### **13. Tree fencing inspection**

*Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.*

**Reason:** *To protect existing trees during the construction phase.*

#### **14. Construction waste management plan**

*Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.*

*The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.*

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

**Reason:** *To ensure appropriate management of construction waste.*

#### **15. Archival recording of buildings**

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

*The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or digital Capture (2006)" prepared by the New South Wales Heritage Office.*

*Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies, one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.*

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

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

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**

##### **16. Amendments to approved landscape plan**

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

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
DA02	Wolski Lycenko Brecknock Architects	May 2007

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

- i) To minimise impacts on Tree 7 Syncarpia glomulifera (Turpentine) the proposed steps adjacent to the eastern side of the family room of unit 1 shall be deleted and replaced with a low retaining wall. The retaining wall shall be constructed as a dry stone wall or similar that doesn't require a footing.*
- ii) All existing trees shall be numbered to correspond with the approved landscape plan.*
- iii) To effectively screen the development from the adjoining heritage property to the west. The garden bed adjacent to the lawn area along the western (rear) boundary shall be widened to 3 metres excluding the clothes drying area. The planting along the rear boundary shall include layered screen planting ranging in height from 6 to 4 metres.*

**Reason:** *To protect existing trees.*

**17. Long service levy**

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

**Reason:** *Statutory requirement.*

**18. Builder's indemnity insurance**

*The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.*

*It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).*

**Reason:** *Statutory requirement.*

**19. Design changes**

*The following design changes shall be implemented:*

- a) The verandas on the northern elevation at the ground and first floor levels shall be reduced in width from 3.7 metres to a maximum 3.0 metres. The second floor veranda shall also be proportionally reduced in width. The hipped roof form is to be retained;*
- b) The pergola on the second floor is to be constructed of timber instead of steel;*
- c) A continuous length planter box is to be constructed above the top of the slab at the ground floor level over the driveway/ entry ramp to account for the shortfall of veranda width;*
- d) All existing trees shall be numbered on the architectural plans to correspond with the approved landscape plan; and*
- e) The piers of the front fence are to be reduced in height to a maximum 1.6 metres and the metal palisade in fill is to be reduced to have a maximum height of 1.2 metres. The dwarf wall to the front*

*fence is to be reduced in height relative to the reduction of the piers and metal in-fill palisade. The heights are to be measured from the finished footpath level.*

- f) An 8ft or 2.44 metres high timber lapped and capped fence is to be constructed along the western property boundary to 14 Woonona Avenue, Wahroonga. The height is to be measured from the finished ground level.*

*Details of the above are to be provided prior to the issue of the Construction Certificate.*

**Reason:** *To ensure minimal impacts to the adjoining heritage item and existing trees located on and adjoining the subject site*

## **20. Engineering construction details**

*Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering construction details for the basement car park, complies with the following requirements:*

*The engineering construction plans shall note the following details:*

- i) To preserve the following trees the basement car park shall be excavated with near vertical angles. The side surfaces of the excavated basement shall be covered with water proof covers whenever work is not being carried out. All up slope run-off shall be diverted away from the cut surfaces.*
- ii) The construction details shall indicate the following trees on the plans.*
- iii) the construction details shall indicate that the following trees are to be protected with no over excavation of the basement to take place.*

### **Schedule**

#### **Tree/location**

*Tree 7 Syncarpia glomulifera (Turpentine)*

*Tree 12 Cupressus macrocarpa (Monterey cypress)*

*Tree 13 Liquidambar styraciflua (Liquidambar)*

*Tree 14 Jacaranda mimosifolia (Jacaranda)*

#### **Tree works**

*Front yard on site*

*Adjoining property to rear.*

*Adjoining property to rear.*

*Adjoining property to rear.*

**Reason:** *To protect existing trees.*

## **21. Air drying facilities**

*Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.*

*In lieu of the above, written confirmation that all units will be provided*

*with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.*

**Reason:** *Amenity & energy efficiency.*

## **22. Access for people with disabilities (residential)**

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

*Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.*

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

## **23. Adaptable units**

*Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all the nominated adaptable units within the development application [Units 1, 2, 3], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.*

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

**Reason:** *Disabled access & amenity.*

## **24. Stormwater management plan**

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

- *exact location and reduced level of discharge point to the public drainage system*
- *Layout of the property drainage system components, including but*

*not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)*

- *location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided*
- *specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments*
- *details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)*
- *the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)*

*The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the hydraulic details submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.*

**Reason:** *To protect the environment.*

## **25. Stormwater retention**

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

1. *A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and*
2. *An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water*



*Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.*

**Reason:** *To protect the environment.*

## **26. Excavation for services**

*Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.*

**Note:** *A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.*

**Reason:** *To ensure the protection of trees.*

## **27. Landscape plan**

*Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.*

**Note:** *The landscape plan must be submitted to the Principal Certifying Authority.*

**Reason:** *To ensure adequate landscaping of the site.*

## **28. Noise from plant in residential zone**

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

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

*in combination with other plant will comply with the above requirements.*

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

## **29. Location of plant (residential flat buildings)**

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

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

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

## **30. Driveway crossing levels**

*Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".*

*Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.*

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

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

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

**31. Driveway grades – basement car-parks**

*Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:*

- *vehicular access can be obtained using grades of 25% (1 in 4) maximum and*
- *all changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.*

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

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

**32. Basement car parking details**

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

- *all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”*
- *a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement*
- *no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area*
- *the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions (delete clause if not seniors living)*

- *the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans*

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

### **33. Car parking allocation**

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

<b>Resident car spaces</b>	<b>5</b>
<b>Visitor spaces</b>	<b>1</b>
<b>Total spaces</b>	<b>6</b>

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

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

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

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

### **34. Number of bicycle spaces**

*The basement car park shall be adapted to provide 2 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.*

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

### **35. Energy Australia requirements**

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

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

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

### **36. Utility provider requirements**

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

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

### **37. Underground services**

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

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

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**

### **38. Public liability insurance – works on public land**

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

*The policy is to note and provide protection for Ku-ring-gai Council as an*

*interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.*

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

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

### **39. Infrastructure restorations fee**

*To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:*

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.*
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.*
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.*
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.*
- e) In this condition:*

**“Council Property”** *includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and*

**“Infrastructure Restoration Fee”** means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure

#### **40. Section 94 Contribution – residential development**

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

<b>Column A</b>	<b>Column B</b>
community facilities	\$9,199.16
park acquisition and embellishment works	\$54,104.38
sportsgrounds works	\$10,849.77
aquatic / leisure centres	\$228.95
traffic and transport	\$1,236.80
section 94 Plan administration	\$823.33
<i>Sub Total: Credit for existing very large dwelling</i>	<i>\$76,442.39</i>
	<i>\$32,324.00</i>
<b>Total contribution is:</b>	<b>\$44,120.00</b>

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

#### **CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

##### **41. Approved plans to be on site**

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

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

**42. Prescribed conditions**

*The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:*

- *The work must be carried out in accordance with the requirements of the Building Code of Australia*
- *In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.*

**Reason:** *Statutory requirement.*

**43. Statement of compliance with Australian Standards**

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

**Reason:** *To ensure compliance with the Australian Standards.*

**44. Demolition, excavation and construction work hours**

*Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.*

*Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.*

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



**45. Construction noise**

*During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.*

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

**46. Site notice**

*A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.*

*The site notice must:*

- *be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted*
- *display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer*
- *be durable and weatherproof*
- *display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice*
- *be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted*

**Reason:** *To ensure public safety and public information.*

**47. Dust control**

*During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:*

- *physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust*
- *earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed*
- *all materials shall be stored or stockpiled at the best locations*
- *the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs*
- *all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust*
- *all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays*
- *gates shall be closed between vehicle movements and shall be fitted*

*with shade cloth*

- *cleaning of footpaths and roadways shall be carried out daily*

**Reason:** *To protect the environment and amenity of surrounding properties.*

#### **48. Post-construction dilapidation report**

*The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:*

- *compare the post-construction dilapidation report with the pre-construction dilapidation report*
- *have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.*

*A copy of this report is to be forwarded to Council at the completion of the construction works.*

**Reason:** *Management of records.*

#### **49. Use of road or footpath**

*During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.*

**Reason:** *To ensure safety and amenity of the area.*

#### **50. Guarding excavations**

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

**Reason:** *To ensure public safety.*

#### **51. Toilet facilities**

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

**Reason:** *Statutory requirement.*

**52. Recycling of building material (general)**

*During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.*

**Reason:** *To facilitate recycling of materials.*

**53. Construction signage**

*All construction signs must comply with the following requirements:*

- *are not to cover any mechanical ventilation inlet or outlet vent*
- *are not illuminated, self-illuminated or flashing at any time*
- *are located wholly within a property where construction is being undertaken*
- *refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken*
- *are restricted to one such sign per property*
- *do not exceed 2.5m<sup>2</sup>*
- *are removed within 14 days of the completion of all construction works*

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

**54. Road reserve safety**

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

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

**55. Road repairs necessitated by excavation and construction works**

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

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

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

**Reason:** *To protect public infrastructure.*

**56. Services**

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

**Reason:** *Provision of utility services.*

**57. Erosion control**

*Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.*

**Reason:** *To protect the environment from erosion and sedimentation.*

**58. Drainage to street**

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

*the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.*

**Reason:** *To protect the environment.*

#### **59. Grated drain at garage**

*A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.*

**Reason:** *Stormwater control.*

#### **60. Sydney Water Section 73 Compliance Certificate**

*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 Co-ordinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-develop" 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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.*

**Reason:** *Statutory requirement.*

#### **61. Arborist's report**

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

##### **Schedule**

##### **Tree/location**

##### **Time of inspection**

*Tree 7 Syncarpia glomulifera (Turpentine)*

*During excavation and construction of the basement car park.*

*Tree 12 Cupressus macrocarpa (Monterey cypress)*

*During excavation and construction of the basement car park.*

*Tree 13 Liquidambar styraciflua (Liquidambar)*

*During excavation and construction of the basement car park.*

**Reason:** *To ensure protection of existing trees.*

**62. Completion of landscape works**

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

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

**63. Canopy/root pruning**

*Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:*

**Schedule****Tree/location****Tree works**

*Tree 7 Syncarpia glomulifera (Turpentine) Canopy and root pruning.*

*Tree 12 Cupressus macrocarpa (Monterey cypress) Root pruning*

*Tree 13 Liquidambar styraciflua (Liquidambar) Root pruning.*

*Tree 14 Jacaranda mimosifolia (Jacaranda) Root pruning.*

**Reason:** *To protect the environment.*

**64. Approved tree works**

*Approval is given for the following works to be undertaken to trees on the site:*

**Schedule****Tree location****Approved tree works**

*Tree 1 Camellia sasanqua (Chinese Camellia) Removal*

*Tree 2 Camellia japonica (Japanese Camellia) Removal*

*Tree 3 Acer palmatum (Japanese Maple) Removal*

*Tree 4 Chamaecyparis sp. (Cypress) Removal*

*Tree 5 Cotoneaster sp. (Cotoneaster) Removal*

*Tree 6 Acer negundo (Box Elder) Removal*

*Tree 7 Syncarpia glomulifera (Turpentine) Minor pruning of branches on outside edge of canopy to clear the approved building.*

*Tree 8 Jacaranda mimosifolia (Jacaranda) Removal*

*Tree A Camellia sasanqua (Chinese Camellia) Removal*

*Tree B Camellia sasaqua (Chinese Camellia) Removal*

*Tree D Camellia sasaqua (Chinese Camellia) Removal*

*Removal or pruning of any other tree on the site is not approved.*

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

#### **65. Excavation near trees**

*No mechanical excavation shall be undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:*

##### **Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
<i>Tree 7 Syncarpia glomulifera (Turpentine)</i>	<i>8 metres</i>

**Reason:** *To protect existing trees.*

#### **66. No storage of materials beneath trees**

*No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.*

**Reason:** *To protect existing trees.*

#### **67. Removal of refuse**

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

**Reason:** *To protect the environment.*

#### **68. Canopy replenishment trees to be planted**

*The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species*

**Reason:** *To maintain the treed character of the area.*

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**

#### **69. Compliance with BASIX Certificate**

*Prior to the issue of an Occupation Certificate, the Principal Certifying*

*Authority shall be satisfied that all commitments listed in BASIX Certificate No. 146816M have been complied with.*

**Reason:** *Statutory requirement.*

## **70. Clotheslines and clothes dryers**

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

**Reason:** *To provide access to clothes drying facilities.*

## **71. Mechanical ventilation**

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

1. *The installation and performance of the mechanical systems complies with:*
  - *The Building Code of Australia*
  - *Australian Standard AS1668*
  - *Australian Standard AS3666 where applicable*
2. *The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.*

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

**Reason:** *To protect the amenity of surrounding properties.*

## **72. Accessibility**

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

- *the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2*
- *the level and direction of travel, both in lifts and lift lobbies, is audible and visible*



- *the controls for lifts are accessible to all persons and control buttons and lettering are raised*
- *international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2*
- *the height of lettering on signage is in accordance with AS 1428.1 – 1993*
- *the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods*

**Reason:** *Disabled access & services.*

**73. Retention and re-use positive covenant**

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

*The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.*

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

**Reason:** *To protect the environment.*

**74. Provision of copy of OSD designs if Council is not the PCA**

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

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

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

**75. Certification of drainage works (dual occupancies and above)**

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

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

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

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

**Reason:** *To protect the environment.*

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

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

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

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

**Reason:** *To protect the environment.*

#### **77. Basement pump-out maintenance**

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

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

**Reason:** *To protect the environment.*

#### **78. OSD positive covenant/restriction**

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

*The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site*

*detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.*

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

**Reason:** *To protect the environment.*

**79. Sydney Water Section 73 Compliance Certificate**

*Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority*

**Reason:** *Statutory requirement.*

**80. Certification of as-constructed driveway/car park – RFB**

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

- *the as-constructed car park complies with the approved Construction Certificate plans*
- *the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions*
- *finished driveway gradients and transitions will not result in the scraping of the underside of cars*
- *the vehicular headroom requirements of Australian Standard 2890.1 – "Off-street car parking",*

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

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

**81. Reinstatement of redundant crossings and completion of infrastructure works**

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

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

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

**Reason:** *To protect the streetscape.*

**82. Infrastructure repair**

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

**Reason:** *To protect public infrastructure.*

**83. Mechanical ventilation**

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

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

**CONDITIONS TO BE SATISFIED AT ALL TIMES:**

**84. Car parking**

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

*These requirements are to be enforced through the following:*

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

**Reason:** *To ensure adequate provision of visitor parking spaces*

*The LOST Amendment was:*

*(Moved: Councillors Anderson/Shelley)*

*That this matter be deferred to allow Council, in consultation with the NSW Heritage Office, to engage the services of suitable independent heritage consultants to undertake an independent heritage assessment of the proposal.*

533

**Conduct Committee Findings - Breach of Confidentiality Clauses  
September/October 2007**

File: S04462

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

**B Ferguson**

To table findings from the Conduct Committee relating to four articles issued by Councillor Hall in the press throughout September/October 2007.

*Councillor Hall made a statement concerning this Item  
before declaring a Conflict of Interest and  
departed from the Chamber*

A Motion moved by Councillors Bennett & Cross  
that the matter be dealt with in seriatum  
was CARRIED UNANIMOUSLY

**Resolved:**

(Moved: Councillors Shelley/Malicki)

- A. That the Councillor be censured for misbehaviour, i.e. breach of confidentiality.

**CARRIED UNANIMOUSLY**

- B. That the Councillor should formally and unconditionally apologise on the floor of Council.

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

*Against the Resolution: Councillor Lane*

- C. That the Councillor be counselled.

**CARRIED UNANIMOUSLY**

- D. That the handling of this matter be referred to the appropriate committee of Council for review of the process and the policy.

*For the Resolution: Councillors Andrew, Bennett, Cross, Malicki & Shelley*

*Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Lane & Anderson*

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

*(Moved: Mayor, Councillor Ebbeck/Councillor Lane)*

- A. That the Councillor be censured for misbehaviour, i.e. breach of confidentiality.

- B. That the Councillor be counselled.

534

**Draft Local Environmental Plan No. 212 - Consideration following Statutory Public Exhibition Process**

.  
File: S05882

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

**J Harwood**

**Councillor Hall returned during address**

**R Perez**

**L Hall**

**A Parr**

**B Ball**

**C Berlioz**

**P Chorley**

**D Rozenman**

To give consideration to public submissions and draft Local Environmental Plan No 212 (DLEP 212) following completion of the statutory public exhibition process.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

- A. That Council not proceed with draft Local Environmental Plan No. 212 on the basis of the likely adverse impact on the Blue Gum High Forest ecological community occupying the site.
- B. That the owners and occupiers of the lands subject to draft Local Environmental Plan No. 212, the applicant and those persons who made submissions be advised of Council's decision.
- C. That the Department of Planning be informed of Council's resolution.

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

*Against the Resolution:      Councillor Shelley*

535

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

.  
File: S02850

That Guidelines for the position of Internal Ombudsman be adopted by resolution of the Council.



**Resolved:**

(Moved: Councillors Bennett/Shelley)

That consideration of the matter be deferred until the Council Meeting of 5 February 2008.

**Councillor Hall departed prior to Voting**

*For the Resolution: Councillors Andrew, Bennett, Cross, Hall, Malicki, Ryan, Shelley & Anderson*

*Against the Resolution: The Mayor, Councillor N Ebbeck & Councillor Lane*

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

*(Moved: Councillors Lane/Cross)*

*That Council endorse Guidelines for the Office of the Internal Ombudsman.*

**At 11.55 pm a Motion moved by Councillors Bennett & Andrew  
to extend the meeting until the Business Paper is completed  
was put to the vote and CARRIED UNANIMOUSLY**

**Councillor Cross departed****536 20 Year Financial Model**

File: S05708

To present to Council the 20 Year Financial Model 2009 to 2028 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

**Resolved:**

(Moved: Councillors Bennett/Shelley)

1. That Council's 2007/2008 budget includes the following:
  - A. That the following changes be made to Council's Cash Reserves strategy:
    - (ii) Redefine Infrastructure and Facilities Reserve to include income from Infrastructure Restoration Levy, Street Furniture (includes Bus Shelter income), 15% of Annual depreciation and Loan

Reduction, plus interest and used to fund infrastructure programs and other asset renewal works.

- (iii) Existing balances from the Infrastructure Restoration Levy Street Furniture and Loan Reduction reserves, be transferred to the Infrastructure and Facilities Reserve.
  - (iv) Once Council has developed improved strategic Asset Management Plans to review the quantum of the asset renewal gap, asset renewals be funded by the depreciation expense based on fair value.
  - (v) Liability reserves eg. Employee Leave Entitlement or Election be retained and their balances adjusted annually in accordance with liabilities.
  - (vi) Reserves have an annual transfer in from general revenue, matched by an immediate transfer out of the same amount which are not a source of funding be deleted - Drainage, Sportsfield Refurbishment & Footpaths. Further, any remaining balances be transferred to Infrastructure and Facilities Reserve.
- B. 0.5% of general rate revenue be maintained in Council's contingency reserve, to fund unforeseen or emergency expenditure requirements.
- C. Reductions in debt servicing costs are restricted to the Infrastructure and Facilities reserve and fully expended on Capital Works. This amounts to \$1.9M and restricted to works of direct community benefit.
- D. That a briefing be provided for councillors on projects in case 2 and 3 which require funds from the facilities reserve (or Infrastructure and Facilities Reserve) to enable further analysis of estimated expenditure and timing and the 2008/09 projects table be amended to include only Case 1 projects at this time.

**PROJECTS IN 2008/09 IN EACH CASE** (All Prices are \$000's in 2008/09 values)

<b>Infrastructure Projects</b>	<b>Case 1</b>	<b>Case 2</b>	<b>Case 3</b>
Road Rehabilitation	4,780	550	
Business Centre Improvements	190		
Drainage Works	330	280	
Footpath Works	410		
Traffic Facilities	150		
Parks Development	220		
Sportsfield Refurbishment	350		
Playground Refurbishment	160		
Tennis/Netball Court Refurbishment	250		
Buildings		750	
Buildings -Chambers Refurbishment		1,030	
Parking Areas and Fencing		150	
Golf Courses (Sewer Mining)			940
Sportsfield Enhancement	2,810		
Open Space acquisition	13,990		920
Environmental Levy Program	2,000		
West Pymble Pool			8,600
North Turrumurra Recreation Area			3,540

**Operating Asset Turnover**

Library Resources	530
IT Equipment	130
Plant & Vehicles	1,080
Furniture & Other	10

**Non-Capital Projects**

Planning Projects	270
Catchment Analysis	110
Tree Planting	130
Catchment Management	160
Community Projects	50
Election	530
IT Systems Projects	110

**Other**

Depot Relocation	6,150	
SES Relocation		1,030

<b>TOTAL</b>	<b><u>34,900</u></b>	<b><u>1,730</u></b>	<b><u>16,060</u></b>
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- E. A Stormwater Levy be introduced from 2008/2009, providing an additional \$880K per annum (Cases 2 to 4).
- That Council considers rates restructure options in February 2008, to either increase the minimum rate, which would require Ministerial approval, or adopt a base amount (50% maximum) to which an ad volorem is added.
  - That the current program of debt reduction continue and funding sources identified by staff to accelerate debt reduction be used instead to fund the shortfall in asset maintenance identified in the report on assets presented to council at the meeting of 19th July. That this include addressing funding shortfalls in respect of road maintenance and, ancillary structures in parks/sports fields. That a review of the adequacy of current sportsfield maintenance cycles be undertaken to ensure that current maintenance levels are adequate given greater utilisation of Council sportsfields. That any remaining funds be allocated to projects which reduce Council's accumulated depreciation through the Infrastructure and Facilities Reserve.
  - That Council continues to develop improved strategic Asset Management Plans to review the quantum of the asset renewal gap. Further, asset renewals be funded by the depreciation expense based on fair value and subject to the new Planning Reforms.
  - That excess accumulated working capital be allocated to Council's Infrastructure and Facilities Reserve and be applied to "one-off" projects that improves financial sustainability through reducing depreciation liability and builds capacity for the community.
  - That Council acknowledges that given the funding shortfalls in maintenance and asset renewal for existing assets, Council needs to prioritise projects which reduce existing depreciation liability. Further that all costs associated with new projects (maintenance, recurrent, depreciation and capital) must be fully

assessed. Projects currently incorporated in the Town centres plans should be assessed on that basis before the adoption of the 2008-9 management plan and budget as should the opportunity for generating additional income. Further and more detailed scenarios can be presented to Council at that time.

7. That Council ratify the revenue/expenditure assumptions provided in this report to enable budget development for 2008/2009 to commence.
8. That the following three parts of the Original Motion be referred to a Councillor Workshop in 2008:

1.A. (i) **Rename Facilities Reserve to Infrastructure and Facilities Reserve**

That the Infrastructure and Facilities Reserve be an internal reserve and a suitable definition of what forms of expenditure can be funded from the reserve be presented to Council in February 2008.

- (vii) Balances of inactive reserves be transferred to Infrastructure and Facilities Reserve, namely:

1. Kindergarten Reserve:	\$7,000
2. Library Reserve:	\$9,000
3. Telco Communications Reserve:	\$5,543
4. Catchment Management Reserve:	\$150,000

- (viii) The following reserves be transferred to a consolidated Open Space reserve, namely:

1. Playground Reserve:	\$50,642
2. Tree Planting reserve:	\$35,000
3. Parks Reserve:	\$25,000
4. Natural Environment Reserve:	\$32,500
5. St Ives Showground	\$150,000

**CARRIED UNANIMOUSLY**

537 **Removal of Graffiti in Town Centres**

File: S04840

To advise Council of the submissions received with regard to the proposed removal of graffiti from private property around Council's main business centres.

**Resolved:**

(Moved: Councillors Shelley/Andrew)

- A. That due to the amount of funding required to undertake this work and the ongoing program, the matter be deferred for consideration in the 2008/09 budget.

- B. That Council agrees to participate in the trial for the removal of graffiti from the Turrumurra area by Turrumurra Rotary for a six month period with Council to purchase and provide a high pressure spray unit and a financial contribution of \$1000 with funds to be provided from the Ryde Road component of the Business Centres Levy funds.
- C. That given the success of the mural painting at Lindfield station, that Council look for further opportunities where graffiti and illegal posters are a problem – such as Telstra building at Killara and, where these are on corporate property, to seek financial support from landowners.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Lane, Shelley & Anderson*

*Against the Resolution: Councillors Bennett & Malicki*

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

*(Moved: Councillors Malicki/Bennett)*

- A. *That due to the amount of funding required to undertake this work and the ongoing program, the matter be deferred for consideration in the 2008/09 budget.*
- B. *That Council agrees to participate in the trial for the removal of graffiti from the Turrumurra area by Turrumurra Rotary for a six month period with Council to purchase and provide a high pressure spray unit and a financial contribution of \$1000 with funds to be provided from the Ryde Road component of the Business Centres Levy funds.*

538

## **National Trust Festival 2008**

File: S02792

### **Councillor Bennett withdrew**

To report to Council on a request from the National Trust of Australia, for Council to be a sponsor of the National Trust Festival 2008.

### **Resolved:**

(Moved: Councillors Shelley/Lane)

That Council provide \$2,500 from the 2007-20008 Sponsorship Budget for sponsorship of the 2008 National Trust Festival.

**CARRIED UNANIMOUSLY**

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

**Councillor Bennett returned**

539 **28 Treatts Road, Lindfield**

File: P60845

**Notice of Motion from Councillor Jennifer Anderson dated 3 December 2007.**

I move that:

- "1. The General Manager contact the land owners and seeks their level of interest for the sale of 28 Treatts Road, Lindfield and Rast Bros Nursery, Kissing Point Road, Turramurra;.
2. The General Manager source valuations.
3. Confirmation that S94 funding could be used to obtain the sites and an examination of any other funding sources."

**Resolved:**

(Moved: Councillors Anderson/Shelley)

That the above Notice of Motion as amended be adopted.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

540 **Advertising of Meetings or Forums on Website**

File: S02355, S06095

Question Without Notice from Councillor L Bennett

Can meetings or forums open to the public be advertised on Council's website in a timely manner?

**Answer by the General Manager**

Yes, they can and will be.

541 **Assessment of Development Applications - Local Government Association Professional Development Course - Staff**

File: S02534

Question Without Notice from Councillor J Anderson

The Local Government Association offers a 1-day Professional Development Course for Council Staff, Councillors and others on assessing DAs from the Heritage perspective.

Would the General Manager please advise Councillors as to the number of Council Staff involved in assessing DAs who have and have not been able to undertake this Course?

**Answer by the General Manager**

Happy to provide those figures, Councillor Anderson.

542 **Responses to Questions Without Notice**

Files: 88/05900/03, P45675, S02213, S02355, S03345

Question Without Notice from Councillor M Shelley

- a. Would the General Manager advise when I am to receive responses to my Questions Without Notice of 22 May and repeated on 30 October 2007 concerning signage at Holy Family School and of 24 July 2007 regarding DAs approved by Staff when I had called them to Council?
- b. Would the General Manager also advise when I am to receive responses to my Questions Without Notice of 20 November 2007?

**Answer by the General Manager**

I will provide a formal written response on three of them.

543 **DDA Transport Standards**

File: S02114

Question Without Notice from Councillor M Shelley

- a. Would the General Manager report to Councillors as to whether Council would be in breach of the DDA Transport Standards as at 31 December this year?

- b. Further, would the General Manager include in the report what action, if any, Council has taken in response to the advice of the requirement for Councils to comply with the Standards, that advice being received in 2002, and
- c. Would the General Manager advise Councillors if any complaints are lodged against Council under the Transport Standards during the Christmas recess?

**Answer by the Director Operations**

I will report back on the matter with regards to the issue of undertaken the compliance requirements that is in our DDA Action Plan & we will also look at what we can do in terms of undertaking an independent audit, possibly by a consultant to investigate all bus stops to see if they comply with the Standards and see what percentage we hold. I hope to do that as soon as possible but it will depend on the time we can get a consultant to do the work.

544

**Spread of General Business Items & Number of Meetings & Briefings in 2008**

Files: S02355, S02499

Question Without Notice from Councillor E Malicki

Can the General Manager ensure a better spread of General Business Items and meetings and briefings in 2008, please?

**Answer by the General Manager**

I take on board the comments tonight. I don't know that it has been necessarily been like that all year but I do know take the point on board and will try to make it as even as I can.

*The Meeting closed at 12.51am*

The Minutes of the Ordinary Meeting of Council held on 11 December 2007 (Pages 1 - 136) were confirmed as a full and accurate record of proceedings on 5 February 2008.

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General Manager

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Mayor / Chairperson