

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 13 DECEMBER 2005

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

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

*The Meeting commenced at 7.04pm*

*The Mayor offered the Prayer*

### DECLARATION OF PECUNIARY INTEREST

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

No such interest was declared.

### 538 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

#### **Resolved:**

(Moved: Councillors Innes/Cross)

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

- C.1 1580 to 1596 Pacific Highway, Wahroonga – Removal of Trees  
(Section 10A(2)(g) – Advice concerning litigation)

**CARRIED UNANIMOUSLY**

**ADDRESS THE COUNCIL**

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

M Inglis  
P Barber  
T Naylor

**Councillor Hall arrived**

**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:

Refer GB.5: 347 Mona Vale Road, St Ives - Demolition of the Existing Dwelling & Associated Structures & Construction of an Attached Dual Occupancy - Memorandum by Director Development & Regulation dated 13 December 2005.

Refer GB.7: 16 Cecil Street, 669 & Part of 671 Pacific Highway, Gordon - Demolition of Existing Structures & Construction of Two (2) Residential Flat Buildings with 49 Units, Basement Parking & Landscaping - Memorandum by Director Development & Regulation dated 13 December 2005.

Late Items: West Lindfield Sport & Recreation Club - Memorandum by Director  
Refer GB.19: Open Space dated 9 December 2005.

Refer NM.2: Photographic Competition - History Week - Notice of Motion by Councillors L Bennett, A Andrew & M Shelley dated 6 December 2005.

Refer C.1: Confidential Report on 1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees (*Section 10A(2)(g) - Advice concerning litigation*) - Report by Corporate Lawyer & Director Development & Regulation dated 12 December 2005.

Councillors Site Inspection Minutes of Saturday, 10 December 2005 at property  
Information: situated at 25A, 27 & 29 Lorne Avenue, Killara.

**CONFIRMATION OF MINUTES****539 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 6 December 2005

Minutes numbered 513 to 537

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Minutes numbered 513 to 521 and 523 to 537 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

(Moved: Councillors Lane/Ryan)

- B. That Minute No 522 - Turramurra Town Centre Preferred Land Use Options be adopted as printed.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

540

### **South Turramurra Shopping Centre Car Park - (Fifty-Eight [58] Signatures)**

File: S03009

**The following Petition was presented by the Mayor, Councillor Malicki**

"We, the undersigned, ask that Ku-ring-gai Council modify this parking area.

Six of the seven shop owners have signed declaring it is dangerous to manoeuvre a vehicle to Exit in reverse as all drivers are forced to do at present.

The southern entryway is most dangerous where all vehicles exiting are backing into one another and into motorists attempting to enter.

The northern end of this "Planter Barrier" and small trees could stay although another reversing accident occurred there last week.

The southern most middle section of "Planter" is all that needs to be removed to effect a safer exiting manoeuvre for drivers going forward.

They can still "Reverse" and go out the northern exit if they wish to.

Also no inconvenience to motorists would be experienced whilst removing "Giddy Grass", plus one large tree, concrete surrounds, and dirt.

Council would only be required to transport "Rubble" to the tip and "Patch" up with "Tar" and paint parking Stop lines."

### **Resolved:**

(Moved: Councillors Malicki/Ebbeck)

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

**CARRIED UNANIMOUSLY**

**Proposed Changes to St Ives Town Centre - (Sixty [60] Signatures)**

File: S03920

**The following Petition was presented by Councillor Bennett**

"We, the undersigned volunteers, clients and friends of the Ku-ring-gai Neighbourhood Centre Inc. (KNC), express our deep concern that the proposals for the St Ives Town Centre will adversely affect the financial viability of KNC and thereby threaten the range of services provided to residents throughout Ku-ring-gai - the frail elderly, those in family crisis, new migrants, and the general public seeking community information or to use our internet, fax, computer and other office services.

KNC needs continued visual prominence in a high foot traffic area - community services need these just as much as retailers and we call upon Councillors to recognise this and ensure that our next 26 years of service to Ku-ring-gai are as successful as the first 26 years!"

**Resolved:**

(Moved: Councillors Bennett/Hall)

That the Petition be received and considered in conjunction with the report, St Ives Town Centre - Draft LEP & Draft DCP, that will be discussed at the Extraordinary Meeting to be held on Thursday, 15 December 2005.

**CARRIED UNANIMOUSLY**

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

File: S02110

Meeting held 24 November 2005

Minutes numbered KTC18 TO KTC21

542

**General Matter Items under Delegated Authority**

File: S02738

*Vide Minute No KTC18*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in May, June, July, August and November 2005 under Delegated Authority, be noted.

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

*Against the Resolution:*      *Councillor Bennett*

543      **Meeting Dates 2006**

File: S02110

*Vide Minute No KTC19*

To determine Ku-ring-gai Traffic Committee meeting dates for 2006.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the Ku-ring-gai Traffic Committee meetings in 2006 be scheduled for the dates shown below:

9 February  
23 March  
20 April  
25 May  
22 June  
20 July  
24 August  
21 September  
26 October  
23 November

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

*Against the Resolution:*      *Councillor Bennett*

544      **Cleveland Street, Wahroonga**

File: 88/05290/03

Ward: Wahroonga  
Electorate: Ku-ring-gai  
*Vide Minute No KTC20*

To consider the installation of a single lane roundabout in Cleveland Street at the intersection with Stuart Street.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council notes that the responses received (to date) to the advertising under Section 116 of the Roads Act for a proposed roundabout in Cleveland Street, at Stuart Street, are favourable, and endorses the concept plan for the roundabout, subject to the responses from directly affected residents.
- B. That Council seeks formal approval for the concept plan from the Roads and Traffic Authority, for the proposed roundabout in Cleveland Street, at Stuart Street.

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

*Against the Resolution:   Councillor Bennett*

545

**Update of Council's Traffic & Transport Policy**

File: S02527

*Vide Minute No KTC21*

To recommend updating of Council's Traffic and Transport Policy.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council note the changes recommended in the report and endorse the updated Traffic and Transport Policy attached to the report.
- B. That the priority ranking system for traffic management projects be reviewed and reported to Council in early 2006, for consideration with the 2006/07 Traffic Facilities Program.

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

*Against the Resolution:   Councillor Bennett*

**PRESENTATION**

Councillor Lane presented a Certificate of Recognition from Dr S Ozdowski OAM, Disability Discrimination Commissioner, awarded to Council in recognition for its commitment to ensuring equitable access to services for people with disabilities by lodging an Action Plan under the Disability Discrimination Act (1992) with the Human Rights and Equal Opportunity Commission.

**GENERAL BUSINESS**

- 546     **16 Cecil Street, 669 & Part of 671 Pacific Highway, Gordon - Demolition of Existing Structures & Construction of Two (2) Residential Flat Buildings With 49 Units, Basement Parking & Landscaping**

File: DA0935/05

Ward: Gordon

Applicant: Pacific Killara Pty Ltd

Owners: Pacific Killara Pty Ltd - 669 Pacific Highway, Mrs L W & Mr O B Yeoh - 16 Cecil Street, Uniting Church of Australia - Part of 671 Pacific Highway

To determine development application No. 935/05 that seeks consent for demolition of existing structures and construction of two (2) residential flat buildings containing 49 units, basement car parking and landscaping.

**Resolved:**

(Moved: Councillors Lane/Ryan)

- A. That consideration of DA0935/05 at 16 Cecil Street, 669 & Part of 671 Pacific Highway, Gordon be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

- 547     **347 Mona Vale Road, St Ives - Demolition of the Existing Dwelling & Associated Structures & Construction of an Attached Dual Occupancy**

File: DA0565/05

Ward: St Ives

Applicant: A Abroon

Owner: M & S Eaton

To determine development application No 565/05, which seeks consent for demolition of the existing dwelling and associated structures and construction of an attached dual occupancy.

This application was called to full Council by Councillor Bennett.

**Resolved:**

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

- A. That consideration of DA0565/05 at 347 Mona Vale Road, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution:           The Mayor, Councillor E Malicki, Councillors Bennett, Ebbeck, Innes & Shelley*

*Against the Resolution:   Councillors Andrew, Cross, Hall, Lane & Ryan*

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

548

**1 to 3 Cherry Street & 1361 to 1377 Pacific Highway, Turramurra -  
Construction of a Residential Flat Building Containing 49 Apartments,  
Basement Parking & Strata Subdivision**

File: DA 0878/05

Ward: Comenarra

Applicant: John Li, Fumin No 8 Pty Ltd

Owner: Fumin No 8 Pty Ltd

To determine development application No. 878/05 which seeks consent for the construction of a residential flat building containing 49 units, basement car parking and landscaping.

**Resolved:**

(Moved: Councillors Cross/Ebbeck)

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

THAT the Council, as the consent authority, grant development consent to DA878/05 for construction of a residential flat building containing 49 apartments, basement car parking and strata subdivision land at 1-3 Cherry Street and 1361-1377 Pacific Highway, Turramurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. All building works shall comply with the Building Code of Australia.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.



3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
5. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
11. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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

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

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

- 12. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
- 13. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
- 14. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 15. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
- 16. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours:

Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

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

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

18. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
19. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
20. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
21. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
22. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
23. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.

24. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. Fire hoses are to be maintained on site during the course of demolition.
27. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
28. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
29. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
30. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
31. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
32. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
33. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

34. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
35. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
36. 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.
37. 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.
38. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) *"Traffic Control Devices for Work on Roads"*. **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
39. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate

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

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

Showerheads - AAA  
Toilets – AAA+  
Kitchen taps – AAA+  
Bathroom taps – AAA+  
Dishwashers - AAAA

45. Release of the Construction Certificate gives automatic approval to the removal only of those trees located on the subject property within the footprint of an approved new building/structure or within 3.0 metres of an approved new residence, measured from the centre of the trunk of the tree to the external wall of the residence. Where this application is for a building/structure other than a residential building then only trees within the area to be occupied by this building/structure may be removed.

46. Removal, or pruning of the following trees is not approved as part of this Development Application. A tree report prepared by Sydney Arboricultural Services, dated 11/8/05, has been submitted. Tree numbers refer to this report.

Tree/ Location

*Corymbia citriodora* (Lemon Scented Gum) ST5

47. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location

*Tree Works*

*Jacaranda mimosifolia* (Jacaranda) Tree 9/ centre of site

Removal

*Jacaranda mimosifolia* (Jacaranda) Tree10/southern boundary

Removal

*Pinus patula* (Mexican Pine) Tree 11/southern boundary

Removal

*Magnolia x soulangiana* (Magnolia) Tree 16/northern boundary

Removal

*Angophora floribunda* (Rough Barked Apple) ST1

Removal

*Angophora floribunda* (Rough Barked Apple) ST2

Removal

*Cedrus deodara* (Himalyan Cedar) Tree 6

Removal

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

Tree/Location

*Angophora floribunda* (Rough Barked Apple) ST1

*Angophora floribunda* (Rough Barked Apple) ST2

49. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

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

Tree/Location

Radius From Trunk

*Lophostemon confertus* (Brushbox) Tree 14

8m

*Lophostemon confertus* (Brushbox) Tree 15

8m

51. No mechanical excavation for the approved retaining wall shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Lophostemon confertus</i> (Brushbox) Tree 14	6m

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

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 4	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 5	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 7	3m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12	4.5m
<i>Corymbia citriodora</i> (Lemon Scented Gum) ST5	6m
<i>Lophostemon confertus</i> (Brushbox) Tree 14	8m
<i>Lophostemon confertus</i> (Brushbox) Tree 15	8m

53. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
54. Following removal of the *Angophora floribunda* (Rough Barked Apple) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
55. To preserve health and condition of the following trees, all activities, including fencing, excavation and root pruning, within the primary root zone of the following trees, shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 4
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 5
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 7
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12
<i>Corymbia citriodora</i> (Lemon Scented Gum) ST5
<i>Lophostemon confertus</i> (Brushbox) Tree 14
<i>Lophostemon confertus</i> (Brushbox) Tree 15

56. 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.
57. 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

58. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works

Plant Species

*Asparagus densiflorus* (Asparagus Fern)  
*Cinnamomum camphora* (Camphor laurel)  
*Cotoneaster sp.* (Cotoneaster)  
*Hedera helix* (English Ivy)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Olea europaea 'Africana'* (Wild Olive)

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

59. In order to minimise traffic noise generated by the Pacific Highway and to maximise residential amenity for the proposed dwellings, glazing shall be provided in accordance with the recommendations of 5.3 of the Accoustic Assessment prepared by Heggies Australia Pty Ltd. Details shall be provided with the application for a Construction Certificate.
60. To retain the heritage significance of the adjoining heritage items, the colour of the rendered brickwork is to be darker in tone to assist in making the building visually recessive and harmonious in the streetscape. A revised colour scheme is required to be approved before the finalisation of the Construction Certificate.
61. To retain the heritage significance of the adjoining heritage item, the front fence to the Pacific Highway shall be no higher than the stone fence to 'Milneroyd' at 1379 Pacific Highway.
62. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
63. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for

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

**Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans.** The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

64. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- \* All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - \* A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - \* No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - \* The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.
65. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004) . A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
66. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- \* Exact location and reduced level of discharge point to the public drainage system.
  - \* Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - \* Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - \* Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - \* Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - \* The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
  - \* The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater concept plan by Whipps-Wood submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.
67. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
68. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
69. The Applicant must carry out the following infrastructure works in the Public Road:

- a. Lay 450mm diameter concrete pipe from the subject site to the nearest kerb inlet pit in Cherry Street. The pipe is to be laid on the eastern side of Cherry Street to avoid conflict with street trees. The road crossing is to be horizontally bored and kerb inlet pits are to be provided on each side of the road.

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

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

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

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

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

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

70. In order to maximise privacy for the northern adjoining properties, the planter boxes proposed along the Level 4 roof terraces shall be extended for the length of the northern edge of the building, shall be 1 metre in height with 1 metre high screen plants above. Details shall be provided with the application for a Construction Certificate.

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

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

72. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
73. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
74. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
75. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FORTY-NINE (49) ADDITIONAL DWELLINGS IS CURRENTLY \$733, 905.52. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works- <i>Warrawee</i>	\$4,723.00
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

76. The property shall support a minimum number of 15 canopy trees that will attain 13 metres in height on the site. 50% of the canopy trees to be planted area to be locally occurring native species. To preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional trees planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to the release of the Construction Certificate. 50% of the canopy trees
77. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under

Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

78. To preserve the following tree/s, footings of the proposed boundary fence shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

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

Tree/Location	Radius in Metres
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	4.5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 4	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 5	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 7	3m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12	4.5m
<i>Eucalyptus microcorys</i> (Tallow wood) ST3	4.5m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) ST4	4.5m
<i>Corymbia citriodora</i> (Lemon Scented Gum) ST5	6m
<i>Lophostemon confertus</i> (Brushbox) Tree 14	8m

79. The submitted landscape plan Drawing no. DA-0426-02 prepared by Guy Sturt and Associates and dated 18/08/05 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- \* Proposed planting of *Angophora floribunda* (Rough Barked Apple) along Cherry Street nature strip is to be substituted with semi-mature *Syncarpia glomulifera* (Turpentine) planted in even spacing along Cherry Street frontage of development.
- \* North end of path through communal open space along Cherry Street to link with Lobby 2 by way of pedestrian crossing opposite lobby entrance. Path ending with a drainage pit is not supported.
- \* Pedestrian entrance from Cherry Street to be provided.
- \* To preserve the health and condition of the following tree, removal of Tree 6 is supported.

- \* *Eucalyptus saligna* (Sydney Blue Gum) Tree 7. A small *Eucalyptus saligna* (Sydney Blue Gum) sapling is located east of Tree 7. This is to be retained in place of Tree 6.
  - \* To preserve the health and condition of the existing trees, proposed path through common area is to be located at existing ground levels within canopy spreads
  - \* To satisfy deep soil planting requirements, proposed roof over seating area located in common area at north -west corner of site is to be deleted.
  - \* Proposed planting of *Prunus sp* two metres from building is not supported. Minimum 3 metre setback is preferred.
  - \* To increase solar access to upper level of central common open space, evergreen tree planting of *Elaeocarpus* to be deleted or replaced with deciduous species. Evergreen trees to be located along the eastern side of this open space to reduce scale of the building.
  - \* Proposed planting of *Eucalyptus paniculata* (Grey Ironbark) along northern boundary to be replaced with deciduous canopy trees. Smaller evergreen canopy trees, such as those proposed supported in association with larger deciduous trees located along the northern boundary, are supported.
  - \* Correct canopy size of Trees 7, 12, ST3 and ST4 to be shown on Landscape Plan.
  - \* Boundary fencing symbol along Pacific Highway to be consistent.
  - \* Small tree planting along western boundary and north of Unit GA03 to be identified on Landscape Plan.
  - \* All proposed canopy trees to be setback minimum 5 metres from building footprint.
  - \* No excavation for overland flow swale is permitted within canopy spread of existing trees.
  - \* All proposed stormwater pits, grates and tanks to be shown on Landscape Plan.
80. To reduce impact of the proposed 1.8m high fence on the adjoining lower heritage fence, the front fence to Pacific Highway is to be set back a minimum of 1.5m from the boundary to allow sufficient area for planting along highway frontage. The amended plan/s must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
- 81 The Construction Certificate shall not be released until an amended Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The site works shall be carried out and installed in accordance with the approved Site Management Plan/s.

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

The following amendments to the plan shall apply:



To preserve the following tree, site management plan to be amended to located site access from Pacific Highway outside specified radius of tree. Tree Protection zones to be amended to comply with conditions of consent.

Tree/Location	Radius From Trunk
Lophostemon confertus (Brushbox)/Tree 14/adjoining property	8m

82. A CASH BOND/BANK GUARANTEE of \$10 000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

83. A CASH BOND/BANK GUARANTEE of \$23000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value (\$)
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	1000
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 4	4000
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 5	5000
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 7	1000
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12	1000
<i>Eucalyptus microcorys</i> (Tallow wood) ST3	1000
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) ST4	1000
<i>Corymbia citriodora</i> (Lemon Scented Gum) ST5	4000
<i>Lophostemon confertus</i> (Brushbox) Tree 14	5000

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

84. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
85. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
86. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
87. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
88. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation. This includes dwellings and outbuildings at 5 and 5a Cherry Street, pool within 5a Cherry Street and the dwelling within 1379 Pacific Highway closest to the boundary with the subject site. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
89. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The plan is to incorporate the recommendations made by Colston Budd Hunt & Twiney in their report 5796, dated July 2005.

**Site access and egress for larger construction vehicles is to be from and to the Pacific Highway. Evidence of RTA approval is to be submitted with the Traffic Management Plan.**

The following matters must be specifically addressed in the Plan:

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

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

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

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

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

- \* All construction traffic is to approach and depart the site via Pacific Highway.
- \* Light traffic roads and those subject to a load or height limit must be avoided at all times.
- \* A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- \* In addition, the plan must address:
- \* Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- \* Minimising construction related traffic movements during school peak periods.
- \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.
- \* The Plan is to include a timeframe for basement parking to be available for employees and this is to be at the earliest possible time.

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

90. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition **(including a photographic record)** of the following public infrastructure:

- \* Full road pavement width, including kerb and gutter, of Cherry Street over the site frontage, including the intersection with Pacific Highway.
- \* Southbound pavement of Pacific Highway, including kerb and gutter, over the site frontage.
- \* All driveway crossings and laybacks in Cherry Street opposite the subject site.

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

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

- \* RTA concurrence to the proposed temporary rock anchors
- \* How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- \* That the locations of the rock anchors are registered with Dial Before You Dig
- \* That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- \* That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.

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

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

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

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

Tree/Location	Radius in Metres
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3	4.5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 4	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 5	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 7	3m
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 12	4.5m
<i>Eucalyptus microcorys</i> (Tallow wood) ST3	4.5m
<i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) ST4	4.5m
<i>Corymbia citriodora</i> (Lemon Scented Gum) ST5	6m
<i>Lophostemon confertus</i> (Brushbox) Tree 14	8m
<i>Lophostemon confertus</i> (Brushbox) Tree 15	8m

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

95. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
96. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

97. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- \* Laying of 450mm diameter pipe from site to existing kerb inlet pit in accordance with approved drawings.
  - \* 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.
98. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- \* A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - \* A copy of any works-as-executed drawings required under this consent
  - \* The Engineer's certification of the as-built system.
  - \* This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

99. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
100. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- \* That the as-constructed carpark complies with the approved Construction Certificate plans,
  - \* That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
  - \* That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - \* That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - \* That the vehicular headroom requirements of:
  - \* Australian Standard 2890.1 - “Off-street car parking”,
  - \* 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
101. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- \* That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - \* That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - \* That retained water is connected and available for use as per the BASIX commitments (all toilet flushing and garden irrigation).
  - \* That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - \* That all grates potentially accessible by children are secured.
  - \* That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - \* All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

- \* The following certification sheets **must be accurately completed and attached** to the certification:
  - \* Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - \* On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
  
- 102. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
  - \* As built (reduced) surface and invert levels for all drainage pits.
  - \* Gradients of drainage lines, materials and dimensions.
  - \* As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - \* As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - \* The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - \* As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
  - \* The size of the orifice or control fitted to any on-site detention system.
  - \* Dimensions of the discharge control pit and access grates.
  - \* The maximum depth of storage possible over the outlet control.
  - \* Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
  - \* The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.
  
- 103. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
  
- 104. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
  - \* According the relevant Australian Standards and guidelines, and
  - \* According to any approved Geotechnical report undertaken for the development, and
  - \* In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.



105. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

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

- \* Dwellings and outbuildings at 5 and 5a Cherry Street;
- \* Pool within 5a Cherry Street;
- \* Dwelling within 1379 Pacific Highway closest to the boundary with the subject site;
- \* Full road pavement width, including kerb and gutter, of Cherry Street over the site frontage, including the intersection with Pacific Highway.
- \* Southbound pavement of Pacific Highway, including kerb and gutter, over the site frontage.
- \* All driveway crossings and laybacks in Cherry Street opposite the subject site.

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

107. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.

108. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate

#### **PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

109. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

110. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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.

111. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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.
112. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
113. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
  - e. A copy of all works-as-executed plans required under the consent,
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

114. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.

115. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

## **BUILDING CONDITIONS**

116. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
117. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
118. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited

- products should have scribed on them the appropriate accreditation notation); and
- ii. are connected to the mains and have a standby power supply; and
  - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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

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

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

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

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

*Against the Resolution:*    *Councillor Bennett*

549

### **Acquisition of Scout Hall, Highfield Road, Lindfield**

File: S02350

To consider the acquisition of the Scout Hall Located at 76B Highfield Road, Lindfield.

#### **Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council advises Scouts NSW that it accepts the Scout Hall building at 76B Highfield Road.
- B. That Expressions of Interest be called from suitably qualified community organisations to occupy the building.

**CARRIED UNANIMOUSLY**

550 **Owner's Consent & Lease Variation - Roseville Golf Club Dam**

File: P49860

To advise Council on the requirements of the Department of Lands to issue owner's consent for the lodgement of a development application on Crown Reserve R90898, of which Council acts as Reserve Trust Manager.

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council request owner's consent from the Crown on behalf of Roseville Golf Club for the lodgement of a development application to construct a dam on Crown Reserve R90898.
- B. That during the assessment process of the development application, Council officers negotiate the terms and conditions of a new lease and service level agreement between Council and Roseville Golf Club to ensure that the conditions of the Crown and Council are properly documented.
- C. That Council approve in principle a new lease over a portion of Crown Reserve R90898 to Roseville Golf Club for a further twenty (20) years, being ten (10) years plus another ten (10) year option subject to development assessment approval.
- D. That a further report to Council be submitted detailing the negotiations of the new lease and any service level agreement.

**CARRIED UNANIMOUSLY**

551 **10 Year Financial Model**

File: S03918

To present to Council the 10 Year Financial Model 2006 to 2015 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

That Council's 2006/2007 budget incorporate the following:

- A. Reductions in debt servicing costs are restricted to Works of Direct Community Benefit. This amounts to \$1,981,848.

- B. Interest earned on Council's depreciation reserves is restricted back to those reserves. This amounts to \$901,900.
- C. 0.5% of general rate revenue is transferred to Council's contingency (working fund) reserve to fund unforeseen or emergency expenditure requirements. This reserve to be capped at \$1,500,000.
- D. The allocation of Council's depreciation liability be transferred as follows:

New Facilities	\$539,437
Footpath reserve	\$205,500
Drainage reserve	\$205,500
Sportsfield Improvement	\$210,638
<b>Total Allocation</b>	<b>\$1,161,075</b>

- E. Net debt repayments of \$706,461.
- F. Indicative capital works program to include:

Road Rehabilitation	\$4,447,637
Planning Projects	\$256,875
Business Centre Improvements	\$190,088
Golf Course Improvements	\$256,875
IT Initiatives	\$102,750
Drainage Works	\$312,771
Footpath Works	\$388,601
Traffic Facilities	\$151,145
Parks Development	\$205,500
Sportsfield Refurbishment	\$328,800
Playground Refurbishment	\$154,125
Tree Planting	\$123,300
Catchment Analysis	\$102,750
Catchment Management	\$154,125
Swimming Pool Refurbishment	\$300,000
Tennis/Netball Court Refurbishment	\$158,600
Depot Relocation	\$11,300,000
Plant & Fleet Replacement	\$1,050,000
<b>Total</b>	<b>\$19,983,941</b>

- G. The capital works program identified in 'F' above will be subject to refinement by Council in February 2006 as outlined in this report.
- H. That 'windfall gains' continue to be allocated to Council's depreciation reserves at each quarterly budget review.
- I. That operational savings identified by Technical Services and Open Space be restricted at year end to fund Capital Works in those departments.
- J. That all Capital Works Programs are indexed by CPI annually.

**CARRIED UNANIMOUSLY**

552 **NSW Department of Local Government Comparative Data 2003/2004**

File: S02779

To present to Council an analysis of the NSW Department of Local Government Comparative Data Report for 2003/2004.

**Resolved:**

(Moved: Councillors Shelley/Lane)

That Council receive and note the analysis of Department of Local Government 2003/2004 Comparative Data report.

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

*Against the Resolution:    Councillor Hall*

553 **West Pymble Pool Stage 4 - Preferred Tenderer**

File: S03985

For Council to consider the appointment of a contractor to undertake Stage 4 pool water treatment works.

**Resolved:**

(Moved: Councillors Andrew/Shelley)

- A. That Council not proceed with the tender to upgrade the 50 metre pool plant room and provide new water treatment plant for the 50 metre pool, as advertised.
- B. That the Stage 4 works be divided into two separate portions:-
  - 1. the water treatment works and,
  - 2. the building works.
- C. That Council enter into negotiations with Swimplex Projects Pty Ltd for the Stage 4 pool water treatment works.
- D. That the Mayor and General Manager be authorised to execute all necessary documents relating to the contract.
- E. That the Seal of Council be affixed to all necessary documents.

- F. That the works commence in May 2006, for completion prior to the commencement of the 2006/2007 swimming season.
- G. That the tenderers be advised of Council's decision.

**CARRIED UNANIMOUSLY**

554     **Draft Plan of Management for Bushland & Natural Areas**

File: S04326

To seek Council approval to place the draft Bushland Plan of Management and draft Biodiversity Strategy on public exhibition in accordance with Local Government Act 1993.

**Resolved:**

(Moved: Councillors Andrew/Shelley)

- A. That the draft Bushland Plan of Management be exhibited till 24 February 2006 in accordance with the requirements of the Local Government Act 1993.
- B. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of the Local Government Act 1993.
- C. That the draft Biodiversity Strategy be exhibited concurrently with draft Plan of Management for Bushland.
- D. That a further report be presented to Council following the exhibition and public comment period.

**CARRIED UNANIMOUSLY**

555     **Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting of 21 November 2005**

File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday 21 November 2005.

**Resolved:**

(Moved: Councillors Andrew/Shelley)



That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of 21 November 2005 be received and noted.

**CARRIED UNANIMOUSLY**

556 **Additional Bus Shelters - Public Consultation Review & Proposed Sites**

File: S03552

To report on the comments and outcome from the public consultation on the proposed location and seek approval for the installation of two shelters

**Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That Council approves the additional sites for advertising shelters at sites:
  - i. On Archbold Road, north of Earl Street at the existing bus stop location.
  - ii. On Pacific Highway, south of Highfield Road, Lindfield at the existing bus stop location.
- B. That Council approves the double non-advertising shelter on the western side of Mona Vale Road, north of Woodbury Road and that funding be made available from the Bus Shelter reserve.

**CARRIED UNANIMOUSLY**

557 **4 Cowan Street, St Ives - Desiltation Program for Existing Dam System Involving Rebuilding a Small Weir in the Existing Dam System, & Construction of an Access Ramp for Maintenance**

File: DA0237/05

Ward: St Ives

Applicant: Pymble Golf Course c/- Connell Wagner

Owner: Pymble Golf Course

To determine the development application DA 237/05 for a desiltation program involving rebuilding a small weir in the existing dam system and construction of an access road for maintenance to the weir in the creek of Pymble Golf Course.

**Resolved:**

(Moved: Councillors Hall/Bennett)

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

THAT the Council, as the consent authority, grant development consent to DA237/05 for the implementation of a de-siltation program for the existing dam system, involving the rebuilding of a small weir in the existing dam system and construction of an access ramp for maintenance for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 237/05 and Development Application plans prepared by Connell Wagner, reference number DR-010, dated November 2005 and lodged with Council on 12 October 2005.
2. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
3. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
4. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
5. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 6.00pm. Saturdays: 8.00am to 13.00 pm. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.
6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
7. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
8. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council

accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

9. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*. **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
10. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
11. Compliance with the general terms of approval issued by Department of Natural Resources, as outlined by conditions 12 to 54 below.
12. Any work which requires a permit under Part 3A of the R&FI Act ("Part 3A permit") is not to commence until such time as a Part JA permit has been applied for, and subsequently issued by DNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DNR. and which will accompany the Part 3A permit.
13. **Standard of design, documentation and implementation**  
All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
14. All designs and documentation of works subject to Department approval are to be prepared and implemented by persons with relevant knowledge, qualifications and experience in current best practice, and to the satisfaction of Council and DNR, and approved by DNR, prior to the issue of the Part 3A Permit Cessation of Works.
15. If, in the opinion of a Department officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any work, such work shall cease immediately upon oral or written direction of such officer.

16. Should any of the conditions of the Part 3A permit not be complied with, the Department may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.
17. **Work as executed plans**  
If requested by the Department, work as executed survey plans of a professional standard, and including information required by the Department, shall be forwarded to the Department within 14 calendar days of such request. (NOTE: Apart from extractive industry operations, or large earthmoving projects, the Department usually only invokes this condition in matters of contention).
18. **Remedial works**  
The Part 3A permit holder shall carry out any instructions given by the Department with a view to preventing damage to the environment of protected waters or protected land.  
8. If any Part 3A permit condition is breached, the permit holder shall follow the Department's directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, the Department. If any breach of the permit conditions requires a special site inspection by the Department, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.
19. **Clearing and grubbing**  
The works will be surveyed in such a way that the need to remove trees and non-weed shrub species is minimised. Trees to be cleared within or near the banks must not be grubbed out but cut to retain the root mass so as to maintain bank stability. All trees and shrubs to be retained shall be clearly marked before and during construction. Marking, clearing and grubbing shall be under the control of a suitably qualified person.
20. **Disposal of vegetation**  
Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).
21. **Exclusion fencing**  
Prior to the commencement of any earthworks or vegetation clearing at the site, vegetation and habitat to be protected is to be fenced off with clearly visible, durable, and appropriately signposted exclusion fencing.
22. **Earthworks and structures - protected waters**  
A Works Plan (WP) for bulk earthworks and structures, in and near Protected Waters, is to be prepared, based on an understanding of stream dynamics and environmentally sensitive stream rehabilitation practices. The WP is to include:
- a) Plan(s) showing details on the following: existing and proposed protected waters (including top of bank, bank and bed features), riparian zones, vegetation, geomorphic features and any other relevant feature (structures, services, utilities, etc).

- b) Representative cross-sections of protected land and protected waters and riparian zones, showing both existing and proposed ground surface levels. The cross sections must fully represent the variety of landforms associated with the proposal. The locations of the cross sections are to be shown on the above-required plan(s).
  - c) A longitudinal section of existing and all proposed protected waters in sufficient detail to identify any changes in bed level and hydraulic features (i.e. pools, riffles, shallows, headcuts, structures, etc).
  - d) Detailed designs of any stabilisation works and how they are to be undertaken. All proposed stabilisation works are to be of soft engineering design and must incorporate natural stream features (eg pools, riffles, shallows, meanders, low flow channel) commensurate with the local geomorphic, hydrologic and hydraulic conditions
  - e) Details on the staging or sequencing of the proposed works.
  - f) Contingency measures in the event of flooding during construction.
  - g) Cross-referencing to other “plans” required by these conditions, where appropriate
23. The surface of all excavated areas shall be progressively graded to a smooth and even slope free from holes or ridges. Slope drainage and grades are to be as shown on the plans accompanying the Part 3A permit. Batter slopes are not to be steeper than a grade of IV:3F1, unless indicated otherwise on the plans accompanying the Part 3A permit. Slopes are not to be at grades steeper than those satisfactory to Council in relation to public safety.
24. Detailed designs of the proposed upstream and middle weirs and respective associated concrete base and trash fence as well as the bobcat (maintenance) access provisions, and any necessary scour protection works within the riparian zones or bed and bank(s) of the protected waters, are to be prepared. The designs must include a surveyed representative cross section and long section of each structure showing existing and proposed ground surface and water levels.
25. The upstream weir design must provide for continuity of low flows and flow variability downstream of the structures.
26. The accessway to the middle weir must be narrow with minimal cutting into the bank and not give rise to erosion. The surface should be soft engineered if possible.
27. **Scour protection**
- Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs of scour protection works, based on predicted velocities and scour potential, together with methods of construction, are to be included in the WP.
28. **Desilting of the upper pool**
- The desilting operation must not increase the storage capacity of the area impounded by the middle weir beyond its original capacity. This means that the natural pre impoundment creek cross sections must not be modified other than by the removal of accumulated silt. The applicant must establish a Desilting

Management Plan for this operation that clearly identifies safe silt extraction criteria including measures that ensure that operators will not undermine the natural creek bank or damage the bed and bank of the creek in any other way. This Management Plan must be approved by Council and DNR prior to the issue of a Part 3A permit.

**29. Designation of riparian zones**

As part of Site rehabilitation, riparian zones, consisting of local native plant species, shall be regenerated and/or established and maintained within, and along all edges of all protected waters, for their entirety within the Site.

The extent of the riparian zones shall be any currently existing areas of bush within 20 metres from both edges of the watercourse.

**30. Preparation of a vegetation management plan**

Site rehabilitation and maintenance is to be carried out in accordance with a Vegetation Management Plan (VMP). The VMP is to be prepared prior to the issue of the Part 3A Permit and is to be in accordance with the Department's guideline: "How to Prepare a Vegetation Management Plan - Version 4".

**31. The VMP must:**

- \* fully address all matters relating to riparian zone protection, obtaining plant material, establishment methods, sequencing of tasks, maintenance and performance monitoring relating to the rehabilitation of the riparian zones;
- \* include drawings that clearly show the approved extent of the riparian zones;
- \* identify where weeding and regeneration and where planting is to occur;
- \* clearly state planting densities and the species mix for all areas to be rehabilitated;
- \* be cross-referenced to other "plans" required by these conditions, where appropriate;
- \* identify remnant local native species and provide for their protection;
- \* identify where local native species are proposed to be removed.

**32. Site rehabilitation - vegetation**

Site rehabilitation must:

- a) protect any remnant local native riparian vegetation at the Site wherever it is reasonably possible to do so, and,
- b) restore any riparian zones, including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters and their environment.

**33. The riparian zones may be rehabilitated using a combination of methods, such as natural bush regeneration, brush matting, hydro-seeding, direct seeding or tubestock planting, provided the required densities and clear evidence of the plants' ability to survive are achieved by the end of the maintenance period.**

34. Re-vegetation must be carried out over all areas in the riparian zone affected by the works, including all areas that are temporarily occupied by soil and water management controls, once those controls have been decommissioned and the ground surfaces restored to the correct profile and stabilised.
35. Bush regeneration, for weed control and to promote natural regeneration, is to be undertaken for a minimum distance of 10 metres beyond any disturbed areas in the riparian zones.

Re-vegetation, in accordance with the standards required by these conditions, is to be undertaken in this 10 metre wide area if it is significantly degraded or is likely to give rise to weed invasion due to lack of native vegetation cover before or after weed control.

#### **Exotic Plant Species Within or Near the Riparian Zones**

36. No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within 10 metres of, the riparian zones on the Site, unless otherwise approved by the Department.
37. Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.
38. No unsecured mulch may be applied below 1:2 ARI contour Maintenance and Monitoring
  29. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by the Department. Stabilisation works consisting of soft-engineered designs are to be undertaken as required, after seeking advice and approval from the Department, if there are signs of erosion or instability of protected waters.
  30. The rehabilitated riparian zones must be maintained and monitored for a period of at Least two years after final planting or, where other revegetation methods are used, two years after plants are at least of tubestock size and are at the densities required by these conditions and with species richness as described in the VMP. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.

39. **Maintenance report**

A brief and concise report addressing the performance criteria as specified in the VMP, any problems implementing the VMP as well as means to overcome these, shall be forwarded to the Department immediately after completion of initial planting/weeding. and prior to the release of any cash bond or bank guarantee, and otherwise within 14 days of being notified by the Department to do so. The report must also comment on the stability and condition of any associated stream works. Implementation of the VMP and the works subject of these conditions, will be

considered incomplete without the Department's sign-off of the final monitoring report at the end of the minimum two-year maintenance period.

40. **Council requirements for flooding, drainage, stormwater detention and water quality**

The development is to satisfy all requirements of Council in relation to flooding, drainage, stormwater detention and water quality, but in so doing, must not compromise in any way the form and function of any works, protected waters and riparian zones required by these conditions.

41. With regard to the previous condition, there is to be no permanent or temporary excavation of, or placement of material on, protected land, or anything done that may affect the flow of protected waters, other than as shown on the DA plans and associated documentation provided to the Department, and approved by the Department, without approval in writing from the Department and NSW Fisheries.

42. **Water quality and environmental protection**

The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to the Department.

43. **Erosion and sediment control**

The Applicant must submit an erosion & sediment control plan (ESCP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The SWMP is to be cross-referenced to other "plans" required by these conditions, where appropriate. The SWMP is also to meet any EPA licence requirements.

44. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.
45. All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.
46. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis, and immediately following any rainfall events, to ensure their efficient operation. This obligation remains until the Site has been fully stabilised.



47. Decommissioning of all erosion and sediment controls and any water diversion structures must be documented in detail to the satisfaction of the Department. Decommissioning must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP.

48. **Costing to be provided**

A costing based on current industry rates is to be provided for all works and activities that are associated with the DA and that are subject to these conditions. The costing is to identify each type of work or activity and is to present the costing in a break-down format that covers each aspect of that work or activity. Costings are to cover labour, equipment and materials and maintenance and reporting where these tasks are relevant. The costing is to cover, but may not be limited to, the following works and activities:

- a) complete implementation of all stages of all works within protected waters and riparian zones, including maintenance requirements and decommissioning of any temporary works, as described in the WP
- b) construction of any scour protection works and their revegetation as described in the WP and VMP
- c) construction of any accessways in any riparian zones
- d) decommissioning of any temporary works in any protected waters or any riparian zone, including sediment and erosion controls, or other pollution controls, and water diversion structures.

49. **Security deposit**

As a pre-condition to the granting of the Part 3A permit, the applicant for a Part 3A permit will be required to provide a security deposit. The security deposit can be accepted in the form of a cash cheque or a bank(ers) guarantee. The security is meant to cover the cost, as assessed by the Department, of completing the works and activities listed in the previous condition in accordance with the conditions of the Part 3 A permit.

50. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Oh) and is to be provided in favour of Water Administration Ministerial Corporation and it must be drawn up in the Department's approved wording.
51. Any security deposit will be held until such time as the works and activities the subject of the cash bond or bank guarantee have been satisfactorily completed in accordance with the conditions of the Part 3A permit. The sum held may be reduced on application to the Department, subject to the satisfactory completion of stages of works or activities required by the Part 3A permit.
52. The Department may at any time, and more than once and without notice to the Part 3A permit holder, utilise all or part of the moneys available under a security deposit, if in its opinion, the Part 3A permit holder has failed at any time to

satisfactorily complete the works or activities in accordance with the requirements of the Part 3A permit.

**53. Resolution of inconsistencies**

In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site, and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters, is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, the Department.

**54. Any Part 3A permit issued to be kept current**

Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit.

55. Release of the Construction Certificate gives automatic approval to the removal only of those trees located on the subject property within the footprint of an approved new building/structure or within 3.0 metres of an approved new residence, measured from the centre of the trunk of the tree to the external wall of the residence. Where this application is for a building/structure other than a residential building then only trees within the area to be occupied by this building/structure may be removed.
56. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
57. Constructed slopes greater than 1:3 gradient shall be vegetated immediately earthworks are completed.
58. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
59. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and shall be fenced off before construction commences.
60. A copy of the approved Vegetation Management Plan is to be forwarded to Council prior to Work Commencing.
61. A copy of all reports addressing the performance criteria as specified in the Vegetation Management Plan that are to be submitted to the Department of Planning and Natural Resources are to be forwarded to Council.

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

62. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
63. The area in its existing state is to be the subject of a detailed photographic portfolio, a copy of which is to be submitted to Council for its records.
64. **Prior** to the issue of a Construction Certificate the applicant shall lodge a **\$10,000** bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
  - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
65. To preserve existing vegetation no work shall commence until any adjoining bushland is fenced off 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 construction work for the sediment trap and access ramp.
66. The vegetation protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
67. Upon completion of the installation of the required vegetation protection measures you are required to arrange for an inspection of the site by the Principal Certifying

Authority to verify that vegetation protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

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

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

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

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

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

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

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

In addition, the plan must address:

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

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

69. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition **(including a photographic record)** of the following public infrastructure:

- a) Full road pavement width, including kerb and gutter, of Pentecost Avenue between Merrivale Road and Korangi Street.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

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

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

70. A copy of the approved Vegetation Management Plan is to be forwarded to Council prior to Work Commencing.

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

71. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
72. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- a) Full road pavement width, including kerb and gutter, of Pentecost Avenue between Merrivale Road and Korangi Street.

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

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with items  
where there are speakers first and was  
CARRIED UNANIMOUSLY*

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**2 Dakara Close, Pymble - Supplementary Report**

File: DA1172/02-5

Ward: Comenarra

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

**C Hoch**

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

**Resolved:**

(Moved: Councillor Andrew/Cross)

THAT Council, as the consent authority, modify development consent to DA1172/02 for a new dwelling on land at 2 Dakara Close, Pymble, in the following manner:

1. **Condition 1** is modified by allowing plans associated with the retaining wall (Job No. 01-147 Drawing Nos. WD19, 20 and 21 drawn by A L Bois and dated October 2004 and revised Landscaped Drawings by A Total Concept Landscape Architects, dated August 2005 and certified by Greenfield Accredited Certifiers to be included with the list of approved plans in condition 1.
2. New **Condition 75** is added to the development consent:

“75. The retaining wall is to be set back at the following distances from the dividing boundary:

- \* 1.8m to the base of the wall;
- \* 2.7m to the top of the sandstone wall;
- \* 2.8m to the top of the garden edging.

The retaining wall is to have the following height specifications:

- \* A maximum height of 3.2m to the top of the wall (inclusive of the garden edging);
- \* A railing or garden hedge enclosing the private open space area to a maximum height of 1m, is to be located on top of the garden edging at a distance of no less than 500mm in from the top of the wall. An overall height of no greater than 4.2m."

3. The outer retaining wall to be constructed in pine logs is to have subsoil drainage behind, and a spoon drain in front. Both systems are to be connected to Pit P5 to convey runoff and seepage to the interallotment drainage system.

*For the Resolution:*                      *Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Innes, Lane, Ryan & Shelley*

*Against the Resolution:*      *The Mayor, Councillor E Malicki*

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## **9, 11 & 15 Newhaven Place, St Ives - Supplementary Report**

File: DA1425/04-2

Ward: St Ives

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

**I Grieve  
Dr B Tall  
B McRae  
A de Lavega  
M Dowsett**

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

**Resolved:**

(Moved: Councillors Hall/Bennett)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No 1 - Development Standards* to the Zone Interface standard (cl. 25L) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied.

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No 1 is well founded and also being of the opinion that the granting of consent to DA 1425/04 is consistent with the aims of the Policy, grant development consent to DA 1425/04 for the demolition of existing structures and construction of 5 residential flat buildings comprising 38 dwellings including, basement parking, and landscaping on land at 9, 11 and 15 Newhaven Place, St Ives for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**SCHEDULE A**

1. The applicant is to obtain the approval of Council to amend the terms of the drainage easement over the downstream property to permit the passage of private property runoff. Council's approval is to be given prior to the operation of the consent. This will require the submission of the owner's written consent and an engineer's report which attests to the capacity of the system to accept such runoff. The relevant fee for the preparation of a report to Council is to be paid with the application. No guarantee is given of approval.

**SCHEDULE B**

1. An amended stormwater drainage design should be submitted which demonstrates that the location of the proposed rainwater retention tank will not adversely impact trees to be retained. The design should be endorsed by an arborist, submitted to Council and approved prior to operation of the consent.

**GENERAL CONDITIONS**

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



Dwg No	Rev. Description	Author	Dated	Lodged
DWG DA001	Cover Sheet	de la Vega Architects	July 2005	30-8-2005
DWG DA002	Plan - Site	de la Vega Architects	July 2005	30-8-2005
DWG DA003	Plan - Basement 2	de la Vega Architects	July 2005	30-8-2005
DWG DA 004	Plan – Basement 1	de la Vega Architects	July 2005	30-8-2005
DWG DA 005	Plan – Level 1	de la Vega Architects	July 2005	30-8-2005
DWG DA 006	Plan – Level 2, 3 & 4	de la Vega Architects	July 2005	30-8-2005
DWG DA 007	Plan – Level 5	de la Vega Architects	July 2005	30-8-2005
DWG DA008	Plan -Roof	de la Vega Architects	July 2005	30-8-2005
DWG DA009	Elevations 1	de la Vega Architects	July 2005	30-8-2005
DWG DA010	Elevations 2	de la Vega Architects	July 2005	30-8-2005
DWG DA011	Sections A-A 7 B-B	de la Vega Architects	July 2005	30-8-2005
DWG LSK-02	Landscape Plan	Context landscape	Oct 2005	26-10-2005
DWG LSK-03	Planting Plan	Context Landscape	Oct 2005	26-10-2005

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
5. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
6. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
7. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

8. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
9. To maintain existing ground levels all excavated material shall be removed from the site.
10. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
11. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

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

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

18. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
19. The fence and footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
23. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

24. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
- The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
  - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
  - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
28. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

34. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
35. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
36. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
37. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
41. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
42. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
43. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
44. Approval is given under this development consent for the following works to be undertaken on trees within the subject site.

**No/Tree/Location****Tree Work**48/*Syncarpia glomulifera* (Turpentine)

Removal

Near the site's south eastern boundary and near its south western corner.

45. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
46. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
47. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
48. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Newhaven Place. The tree/s used shall be 25 litre container size specimen/s:  
  
Tree Species  
*Angophora costata* (Sydney Red Gum) and/or *Syncarpia glomulifera* (Turpentine)
49. 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.
50. Stormwater runoff from all hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped and connected to the Council drainage system within the site. Drainage line connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") which is provided in Councils Water Management DCP 47 (available on the Council website).
51. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
52. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

53. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
54. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
55. It is the Applicant's and contractor's **full responsibility** to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
56. No part of the building (including overhangs and footings) shall encroach over any easement and no loadings shall be imposed to the utilities within any easement.
57. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any party or parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject property. It is the applicant's full responsibility to ensure that any rights-at-law are upheld. Council accepts no responsibility whatsoever, either now or in the future, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
58. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

59. 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.
60. 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.
61. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) *“Traffic Control Devices for Work on Roads”*. **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
62. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
63. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) *“Off-Street car parking”*.
64. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be



time consuming and may impact on other services and building, driveway or landscape design.

65. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.

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

66. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing three Torrens lots. 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 the issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
67. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

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

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF THIRTY-EIGHT (38) ADDITIONAL DWELLINGS IS CURRENTLY \$775,683.91. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Killara	\$6,384.75
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

## OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

72. To preserve the *Syncarpia glomulifera* (Turpentine) trees located close to the site's Newhaven Place grading is not permitted along the eastern side of the drainage line. The storm water pits (SWP) shall be set flush with the existing ground levels. Required grading may be effected between the building and the pits. Details of the amendment shall be submitted to the Principal Certifying Authority and approved prior to release of the Construction Certificate.
73. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

74. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.

The planting plan by Context, Drawing no. LSK-03, Rev. C dated 19/10/05 is not approved and will require the following amendments;

- \* To prevent overlooking from the proposed elevated deck areas into the adjoining property, additional screen planting shall be provided along the western boundary.
  - \* The plan shall indicate all stormwater drainage pits.
75. The property shall support a minimum number of 12 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The trees to be planted are to be species consistent with Sydney Turpentine Ironbark Forest (STIF). The plan shall be submitted to the Principal Certifying Authority and approved prior to release of the Construction Certificate.

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

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

77. A CASH BOND/BANK GUARANTEE of \$10,000 00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s or other landscape conditions.

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

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

78. A cash bond/bank guarantee of \$26,000.00 shall be lodged with Council prior to release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

No/Tree/Location

6/*Syncarpia glomulifera* (Turpentine)/Adjacent to and towards the northern end of the site's Newhaven Place boundary.

7/*Syncarpia glomulifera* (Turpentine)/Close to the northern end of the residential building's eastern side.

11/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary.

12/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary.

13/*Syncarpia glomulifera* (Turpentine)/Adjacent to the centre of the site's Newhaven Place boundary.

14/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary.

41/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south western corner.

42/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south western corner.

43/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south western corner.

46/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south western corner .

47/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south western corner.

49/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south western corner.

50/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south western corner.

79. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
80. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

**Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans.** The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

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

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

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

82. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - b) A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - d) The traffic control signal between the basement levels is shown on the plans and will provide an effective method of regulating traffic flow.

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

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

- a) Construct a 1.2 metre wide concrete footpath for the full site frontage. Where the footpath is to be within the canopy of significant trees, asphaltic concrete may be used.

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

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

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

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

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

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

84. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils*

*and Construction, Volume 1” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.*

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

- \* Exact location and reduced level of discharge point to the public drainage system.
- \* Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- \* Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- \* Retention storage should overflow into detention storage where practicable.
- \* If fences are proposed over the interallotment drainage easement, then gaps are to be provided for overland flow.
- \* Overland flow originating in Newhaven Place should be maintained along Council's easement on the south eastern boundary and not collected in the property drainage system.
- \* Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- \* Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- \* The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the stormwater drainage plans prepared by Warren Smith & Partners for Development Application approval, which are to be advanced as necessary for construction issue purposes.

86. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response



detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

87. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
88. A 2 metres high solid masonry (rendered) or lapped and capped timber fence is to be provided between the adjoining SEPP 5 development ("Monterey" 24 Stanley Street, St Ives - Strata Plan 67372) on the western boundary and the subject site. Details of the fencing are to be provided on the plans accompanying the construction certificate.

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

89. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
90. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Reports by the Arborist shall be submitted to the Principal Certifying Authority following each specified phase of work. Documentary evidence of compliance with this condition shall be submitted by the Principal Certifying Authority to Council prior to issue of the Occupation Certificate.

#### **No/Tree/Location**

6/*Syncarpia glomulifera* (Turpentine)/Adjacent to and towards the northern end of the Newhaven Place boundary

7/*Syncarpia glomulifera* (Turpentine)/Close to the northern end of the residential building's eastern side.

11/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary.

12/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary.

13/*Syncarpia glomulifera* (Turpentine)/Adjacent to the centre of the site's Newhaven Place boundary.

14/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary.

#### **Phase of Work**

Demolition, building excavation sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation,

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation,

**No/Tree/Location**

41/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south western corner.

42/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south-western corner

43/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south western corner.

44/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south-western corner

45/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south-western corner.

46/*Syncarpia glomulifera* (Turpentine)/Near the site's south eastern boundary and near its south-western corner.

47/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south-western corner.

49/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south-western corner.

50/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south-western corner.

**Phase of Work**

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

Demolition, building excavation, sewer, drainage and landscape phases.

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

**No/Tree/Location****Radius in Metres**

6/*Syncarpia glomulifera* (Turpentine)/Adjacent to and towards the northern end of the site's Newhaven Place boundary. 4 metres

7/*Syncarpia glomulifera* (Turpentine)/Close to the northern end of the residential building's eastern side. 4 metres

11/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary. 5 metres

12/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary. 4 metres

13/*Syncarpia glomulifera* (Turpentine)/Adjacent to the centre of the site's Newhaven Place boundary. 4 metres

14/*Syncarpia glomulifera* (Turpentine)/Close to the centre of the site's Newhaven Place boundary. 4 metres

41/*Syncarpia glomulifera* (Turpentine)/Close to the site's south-eastern boundary and near its south-western corner. 5 metres

43/*Syncarpia glomulifera* (Turpentine)/Close to the site's South-eastern boundary and near its south-western corner. 4 metres

49/*Syncarpia glomulifera* (Turpentine)/Near the site's south-eastern boundary and near its south-western corner. 5 metres

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

No/Tree/Location	Radius in Metres
46/ <i>Syncarpia glomulifera</i> (Turpentine)/Near the site's South-eastern boundary and near its south-western corner.	4 metres

47/ <i>Syncarpia glomulifera</i> (Turpentine)/Near the site's south-eastern boundary and near its south-western corner.	4 metres
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93. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
94. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:
- 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.
  - If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  - Name, address, and telephone number of the developer/principal certifying authority.
95. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
96. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.

97. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
98. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
99. Upon completion of the installation of the required tree protection measures you are required to arrange an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
100. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
101. Prior to the commencement of bulk excavation, a geotechnical investigation comprising at least three boreholes drilled to 1 metre below basement level is to be carried out. The report of this investigation is to be submitted to the Principal Certifying Authority, or Council if no PCA has been appointed. Recommendations for excavation methods and support, vibration monitoring, frequency of geotechnical inspections and groundwater management are to be included in the report.
102. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report submitted in accordance with another condition of this consent. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- \* Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,

- \* Further monitoring and inspection as recommended in the above report(s) and as determined necessary,
  - \* Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
- 103 A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
- 104 Prior to the commencement of **demolition works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the residences at 7 and 17 Newhaven Place, if these residences have not been demolished under a separate approval . The report must be completed by a consulting structural/geotechnical engineer. A written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
- 105 Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
1. **A plan view of the entire site and frontage roadways indicating:**
    - \* Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
    - \* Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
    - \* The locations of proposed Work Zones in the frontage roadways,
    - \* Location of any proposed crane standing areas
    - \* A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
    - \* Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
    - \* The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  2. **Traffic Control Plan(s) for the site**
    - \* All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

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

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

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

In addition, the plan must address:

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

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

106. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority

for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

107. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- a). Full road pavement width, including kerb and gutter, of Newhaven Place over the site frontage.
  - b). All driveway crossings and laybacks opposite the subject site.

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

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

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

108. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
109. The following noxious and/or weed species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to release of the Occupation Certificate:

#### **Plant Species**

*Anredera cordifolia* (Madeira Vine)  
*Cytisus sp.* (Broom)  
*Hedera helix* (English Ivy)  
*Impatiens balsamina* (Impatiens)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Lonicera japonica* (Honeysuckle)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Ochna serrulata* (Ochna)  
*Senna pendula* (Cassia)  
*Tradescantia albiflora* (Wandering Jew)  
*Wisteria sp.* (Wisteria Vine)

110. The LANDSCAPE WORKS including REPLENISHMENT CANOPY TREE and SCREEN PLANTING shall be installed in accordance with the approved plans and conditions of consent, be completed prior to issue of the Occupation Certificate and maintained in a healthy and vigorous condition at all times.
111. The Principal Certifying Authority shall ensure that the LANDSCAPE WORKS including REPLENISHMENT CANOPY TREE and SCREEN PLANTING have been installed correctly, faithful to the approved landscape plan/s and conditions of consent prior to issue of Occupation Certificate.
112. Prior to the release of the occupation certificate, a detailed survey is to be undertaken of the site's completed works to ensure that the development complies with the required 50% deep soil landscape area, as per LEP194 definitions. Documentary evidence is to be submitted to the principal certifying authority for approval prior to the issue of the occupation certificate.
113. The applicant is to submit documentary evidence that the terms of the drainage easement through the downstream property have been amended to permit the passage of runoff from the subject property. Title and instrument details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.
114. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- \* New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - \* New footpath for the full site frontage.
  - \* 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.

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



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

116. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
117. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
  - \* That the as-constructed car park complies with the approved Construction Certificate plans,
  - \* That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
  - \* That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - \* That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - \* That the traffic control signal between the basement levels has been installed and is working effectively.
  - \* That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”,
    - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.
118. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
  - \* That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - \* That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - \* That retained water is connected and available for uses including toilet flushing, clothes washing and irrigation.
  - \* That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.

- \* That all grates potentially accessible by children are secured.
- \* That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- \* All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

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

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

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

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

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

121. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
- \* According the relevant Australian Standards and guidelines, and
  - \* According to any approved Geotechnical report undertaken for the development, and
  - \* In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
122. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted before commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a registered surveyor that no structures are located over the existing drainage pipeline and/or easement traversing the subject property. A copy of the certification must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.
124. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.
125. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at 7 and 17 Newhaven Place.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If either of the residences has been demolished in the meantime under a separate approval, then no follow-up report is required.

## BUILDING CONDITIONS

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

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

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Retaining walls and associated drainage.
  - d. Wet area waterproofing details complying with the Building Code of Australia.
  - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
127. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
128. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
129. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- |                        |                      |                      |
|------------------------|----------------------|----------------------|
| <b>Risers:</b>         | <b>Maximum 190mm</b> | <b>Minimum 115mm</b> |
| <b>Going (Treads):</b> | <b>Maximum 355mm</b> | <b>Minimum 240mm</b> |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
130. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:

- i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
- ii. are connected to the mains and have a standby power supply; and
- iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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

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

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

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

**CARRIED UNANIMOUSLY**

560 **1215 to 1217 Pacific Highway, Turramurra**

File: DA0680/05

Ward: Wahroonga

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

**G Thompson**  
**T Naylor**  
**P Martin**  
**S Schinagel**

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

**Resolved:**

(Moved: Councillor Ebbeck/Cross)

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

THAT the Council, as the consent authority grant development consent to DA 0680/05 for the demolition of existing structures on site and construction of one (1) five (5) storey residential flat buildings comprising thirty (30) units, basement car parking and associated landscaping on land at 1215-1217 Pacific Highway, for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

#### Schedule A

1. The applicant is to submit documentary evidence to Council that the boundary adjustment under DA679/05 has been registered and that all works associated with that approval have been completed. Such evidence is to be approved by Council prior to the operation of the consent.

#### Schedule B

#### GENERAL CONDITIONS

1. The development shall be carried out in accordance with plans as follows

B01	Issue A	Location Plan Building B	Dated 22 June 2005
B02	Issue H	Level 1 Plan	Dated 4 April 2005
B03	Issue H	Level 2 Plan	Dated 4 April 2005
B04	Issue H	Level 3 Plan	Dated 4 April 2005
B05	Issue H	Level 4 Plan	Dated 4 April 2005
B06	Issue F	Level 5 Plan	Dated 4 April 2005
B07	Issue F	Level 6 Plan	Dated 4 April 2005
B08	Issue F	Level 7 Plan	Dated 4 April 2005
B09	Issue F	Level 8 Plan	Dated 4 April 2005
B10	Issue C	Roof Plan	Dated 4 April 2005
B11	Issue E	West Elevation	Dated 4 April 2005
B12	Issue E	South Elevation	Dated 4 April 2004
B13	Issue E	East Elevation	Dated 4 April 2004
B14	Issue E	North Elevation	Dated 4 April 2004
B15	Issue D	Section A-A	Dated 4 April 2004
B16	Issue D	Section B-B	Dated 4 April 2004

drawn by Futurespace, and endorsed with Council's approval stamp, except where amended by the following conditions:

- 1A. To ensure no undue impact from headlight glare on residential properties to the north-east by vehicles entering 1215-127 and 1219-1223 Pacific Highway, a solid wall or fence, to a height of 1.8m above ground level, shall be erected between Building A and the southern side boundary of that lot and between Building B and the southern side boundary of that lot. The walls or fencing are to be located as near as practical to the end of the driveway ramps (behind the respective building lines). Details of the walls or fencing are to be indicated on amended plans and submitted to the satisfaction of the PCA, prior to issue of the Construction Certificate.

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. All building works shall comply with the Building Code of Australia.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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



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

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

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

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

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

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

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

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

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

23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
24. The fence and footings shall be constructed entirely within the boundaries of the property.
25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
29. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;

- ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
32. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
33. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
34. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
35. Fire hoses are to be maintained on site during the course of demolition.
36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
37. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
41. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
42. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
43. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
44. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.
45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the interallotment drainage system benefiting the subject site.
46. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
47. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
48. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
49. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.

50. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
51. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
52. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
53. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.
54. For the purpose of any further plan assessment and works inspections by 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 sign-off from Council.
55. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
56. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time

consuming and may impact on other services and building, driveway or landscape design.

57. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
58. Geotechnical aspects of the development works, particularly excavation, vibration monitoring, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas Ref 19362Vrpt.
59. Approval is to be obtained from Ku-ring-gai Council Traffic Committee and RTA for any temporary public road closures and/or placement of cranes on public land.
60. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved Construction and Traffic Management Plan to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
61. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
62. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
63. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
64. Landscape works shall be carried out in accordance with Landscape Drawing No 19.05/053 prepared by Ian Jackson, Landscape Architects and dated April 2005 submitted with the Development Application, except as amended by the following:
  - \* The proposed planting of *Nyssa sylvatica* (Tupelo) centrally located in the front setback are to be increased in pot size from 25 litre to 100 litre.
  - \* The proposed planting of a *Eucalyptus saligna* (Bluegum) adjacent to the western site corner in the front setback is to be located so that it has a minimum setback of 6.0m from the proposed energy substation kiosk.

- \* The proposed evergreen trees along the north-eastern rear boundary are to be of 100 litre pot sizes at planting.

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

Tree/Location

Tristaniopsis laurina (Water Gum)

Pacific Hwy nature strip

66. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
67. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

#29 Chamaecyparis obtusa (Hinoki Cypress)

Adjacent to the south east (side) site boundary

Radius From Trunk

3.0m

68. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
69. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along the Pacific Hwy as an evenly spaced avenue. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Eucalyptus saligna (Bluegum) x 7

70. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location

Any existing tree protected by Council's TPO  
On site, within proposed drainage easement or adjoining properties

Radius From Trunk

Beneath the canopy drip line

71. Following removal of the *Tristania laurina* (Water Gum) x 2 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
72. 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.
73. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
74. Forty nine (49) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
  - 41 - Residential
  - 8 – Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. (Reason: To ensure that adequate parking facilities to service the development are provided on site)

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

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

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

76. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the Home Building Act 1989. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).



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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY \$458,944.99. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

80. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
81. Prior to issue of the Construction Certificate, a qualified civil/traffic engineer must endorse the drawings and certify that:
  - \* Mirrors are shown as recommended in the report prepared by Masson Wilson Twiney;
  - \* Traffic lights are shown in the correct location at each end of one way car park ramps, including the entry ramp from the Pacific Highway;
  - \* Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2 004 “Off-Street car parking”.
82. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
83. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans

issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.

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

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

The longitudinal section through the driveway prepared to satisfy another condition of this consent is to be submitted with the application.

85. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the outer lane of the Pacific Highway and extending 10 metres inside the property boundary. The driveway profiles must demonstrate that vehicular access to the development can be obtained without scraping of vehicles. Council's Extreme Low Level No. 3 profile (Plan No. 94-030-VC7) is to be used unless otherwise approved. The design levels at the boundary may need to be lowered slightly to accommodate the profile.
86. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be generally in accordance with the Stormwater Drainage plans prepared by AFCE Environment + Infrastructure, submitted with the development application, and advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
90. A cash bond/bank guarantee of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

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

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

91. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the southbound road pavement of Pacific Highway, including kerb and gutter, over the site frontage.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

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

Traffic Control Plan(s) for the site:

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

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

- \* Light traffic roads and those subject to a load or height limit must be avoided at all times.
  - \* A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
  - \* In addition, the plan must address:
  - \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
  - \* Minimising construction related traffic movements during school peak periods.
  - \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area. Basement parking is to be made available to employees as soon as possible.
  - \* The Construction and Traffic Management Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.
93. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring buildings within the 'zone of influence' of the excavation. Dilapidation surveys of 2 Womerah Street and 1213 Pacific Highway are required unless written advice is received from the geotechnical engineer that no such surveys are necessary. If submitted, reports must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
94. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant

must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

95. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- \* RTA concurrence to the proposed temporary rock anchors
  - \* How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - \* That the locations of the rock anchors are registered with Dial Before You Dig
  - \* That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - \* That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - \* That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
  - \* Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
  - \* All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.
96. 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.
97. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area.

The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#29 Chamaecyparis obtusa (Hinoki Cypress)	3.0m
Adjacent to the south east (side) site boundary	

98. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
99. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:

#### 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.

If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works

Name, address, and telephone number of the developer.

100. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
101. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
102. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
103. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and



asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.

104. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

105. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
106. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
107. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
108. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.
109. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for

endorsement by the consent authority. The following details must be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:

- a. The endorsement fee current at the time of lodgement.
- b. The 88B Instruments plus six (6) copies,
- c. A copy of the Occupation Certificate,
- d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
- e. A copy of all works-as-executed plans required under the consent,
- f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

110. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
111. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
112. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

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

113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report prepared by Jeffery and Katauskas and the professional geotechnical input over the

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

114. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

- \* Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
- \* Removal of all redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall 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.

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

115. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
116. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
117. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make specific reference to each of the following aspects of the installed drainage and stormwater management measures:
- \* That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - \* That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - \* That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
  - \* The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,

- \* The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
118. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
- \* As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - \* As built locations of all access pits and grates in the retention systems, including dimensions.
  - \* The achieved capacity of the retention storages and derivative calculations.
  - \* Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
  - \* As built surface and invert levels for all drainage pits and junction points.
  - \* Gradients of drainage lines, materials and sizes.
  - \* As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a registered surveyor and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted in red on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

119. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- \* A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
  - \* A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
  - \* All Engineer's certifications specified in this consent.

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

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

(PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.

121. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
122. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
- \* Mirrors are provided as recommended in the report prepared by Masson Wilson Twiney;
  - \* Traffic lights are provided as required at each end of one way carpark ramps;
  - \* Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
  - \* No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- \* Pacific Highway southbound lane for the full frontage of the site;
  - \* Residences at 2 Womerah Street and 1213 Pacific Highway, if originally assessed.
- The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate approval, no follow-up survey is required.
124. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

125. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

#### BUILDING CONDITIONS

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

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

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

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

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

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

**CARRIED UNANIMOUSLY**

561 **1219 to 1223 Pacific Highway, Turramurra**

File: DA0680/05

Ward: Wahroonga

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

**Resolved:**

(Moved: Councillor Ebbeck/Cross)

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

THAT the Council, as the consent authority grant development consent to DA 0681/05 for the demolition of existing structures on site and construction of one (1) five (5) storey residential flat buildings comprising thirty (33) units, basement car parking and associated landscaping on land at 1219-1223 Pacific Highway, for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

**Schedule A**

1. The applicant is to submit documentary evidence to Council that the boundary adjustment under DA679/05 has been registered and that all works associated with that approval have been completed. Such evidence is to be approved by Council prior to the operation of the consent.

**Schedule B**

**GENERAL CONDITIONS**

1. The development shall be carried out in accordance with plans as follows

A01	Issue A	Location Plan Building A	Dated 22 June 2005
A02	Issue J	Level 1 Plan	Dated 4 April 2005
A03	Issue J	Level 2 Plan	Dated 4 April 2005
A04	Issue J	Level 3 Plan	Dated 4 April 2005
A05	Issue J	Level 4 Plan	Dated 4 April 2005
A06	Issue G	Level 5 Plan	Dated 4 April 2005
A07	Issue G	Level 6 Plan	Dated 4 April 2005
A08	Issue G	Level 7 Plan	Dated 4 April 2005
A09	Issue G	Level 8 Plan	Dated 4 April 2005
A10	Issue B	Roof Plan	Dated 4 April 2005
A11	Issue C	East Elevation	Dated 4 April 2005
A12	Issue C	North Elevation	Dated 4 April 2004
A13	Issue C	West Elevation	Dated 4 April 2004
A14	Issue C	South Elevation	Dated 4 April 2004
A15	Issue B	Section A-A	Dated 4 April 2004
A16	Issue B	Section B-B	Dated 4 April 2004

drawn by *Futurespace*, and endorsed with Council's approval stamp, except where amended by the following conditions:

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. All building works shall comply with the Building Code of Australia.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.



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

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

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

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

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

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

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

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

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

23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release

of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

24. The fence and footings shall be constructed entirely within the boundaries of the property.
25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
29. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.  
  
The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building

or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

32. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
33. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
34. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
35. Fire hoses are to be maintained on site during the course of demolition.
36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
37. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
41. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
42. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
43. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.

44. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.
45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the interallotment drainage system benefiting the subject site.
46. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
47. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
48. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
49. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
50. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
51. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted

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

52. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
53. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.
54. For the purpose of any further plan assessment and works inspections by 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 sign-off from Council.
55. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

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

59. Geotechnical aspects of the development work, namely:

- \* Dilapidation reporting if required,
- \* Appropriate excavation methods and techniques,
- \* Vibration management and monitoring,
- \* Support and retention of excavated faces,
- \* Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the report prepared by Jeffery and Katauskas Ref 19362Vrpt and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

60. Approval is to be obtained from Ku-ring-gai Council Traffic Committee and RTA for any temporary public road closures and/or placement of cranes on public land.
61. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
62. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
63. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
64. Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new residential building. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
65. Landscape works shall be carried out in accordance with Landscape Drawing No 19.05/052A Rev A prepared by Ian Jackson and dated 19/08/2005 submitted with the Development Application with the following amendment:

The proposed evergreen trees along the north-western end and north-eastern boundaries are to be of 100 litre pot sizes at planting.

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

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

Tree/Location

#36 & 37 Tristaniopsis laurina (Water Gum)

Pacific Hwy nature strip

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

Tree/Location

#11 Eucalyptus saligna (Bluegum)

Adjacent to north east (rear) site boundary

68. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
69. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

#2 Jacaranda mimosifolia (Jacaranda)

Adjacent to western site corner

Radius From Trunk

5.0m

#3 Magnolia grandiflora (Bull Bay Magnolia)

Adjacent to western site corner

3.0m

#4 Melaleuca quinquenervia (Broad leaf paperbark)

Adjacent to northwest (side) site boundary within neighbouring property

3.0m

#7 Eucalyptus saligna (Bluegum)

Adjacent to north east (rear) site boundary in neighbouring property

9.0m

#8 Eucalyptus saligna (Bluegum)

Adjacent to north east (rear) site boundary in neighbouring property

9.0m

#11 Eucalyptus saligna (Bluegum)

Adjacent to north east (rear) site boundary in neighbouring property

8.0m



- |  |      |
|--|------|
| #12 Grevillea robusta (Silky Oak)                                    | 3.0m |
| Adjacent to north east (rear) site boundary                          |      |
| #13 Jacaranda mimosifolia (Jacaranda)                                | 3.0m |
| Adjacent to north east (rear) site boundary in neighbouring property |      |
| #14 Grevillea robusta  | 3.0m |
| Adjacent to north east (rear) site boundary in neighbouring property |      |
| #15 calodendron capense (Cape Chestnut)                              | 4.0m |
| Adjacent to north east site boundary in neighbouring property        |      |
70. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
71. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:
- |   |                   |
|---|-------------------|
| Tree/Location   | Radius From Trunk |
| #2 Jacaranda mimosifolia (Jacaranda)                                    | 5.0m              |
| Adjacent to western site corner   |                   |
| #3 Magnolia grandiflora (Bull Bay Magnolia)                             | 3.0m              |
| Adjacent to western site corner   |                   |
| #4 Melaleuca quinquenervia (Broad leaf paperbark)                       | 3.0m              |
| Adjacent to northwest (side) site boundary within neighbouring property |                   |
| #7 Eucalyptus saligna (Bluegum)   | 9.0m              |
| Adjacent to north east (rear) site boundary in neighbouring property    |                   |
| #8 Eucalyptus saligna (Bluegum)   | 9.0m              |
| Adjacent to north east (rear) site boundary in neighbouring property    |                   |
| #11 Eucalyptus saligna (Bluegum)  | 8.0m              |
| Adjacent to north east (rear) site boundary in neighbouring property    |                   |
| #12 Grevillea robusta (Silky Oak)                                       | 3.0m              |
| Adjacent to north east (rear) site boundary                             |                   |
72. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
#7 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	9.0m
#8 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	9.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	8.0m

73. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
74. The following tree species shall be planted as an evenly spaced avenue planting, at no cost to Council, in the nature strip fronting the property along the Pacific Hwy. The tree/s used shall be 25 litre container size specimen/s:
- Tree Species  
Lagerstroemia indica (Crepe Myrtle – Mauve/Lilac) x 9
75. 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.
76. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
77. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
78. Fifty-two (52) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
- 43 - Residential
  - 9 – Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. *(Reason: To ensure that adequate parking facilities to service the development are provided on site)*

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

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

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

80. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
81. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
82. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY **\$458,944.99**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

84. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
85. Prior to issue of the Construction Certificate, a qualified civil/traffic engineer must endorse the drawings and certify that:
- \* Mirrors are shown as recommended in the report prepared by Masson Wilson Twiney;
  - \* Traffic lights are shown in the correct location at each end of one way carpark ramps, including the entry ramp from the Pacific Highway;

- \* Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2 004 “Off-Street car parking”.
86. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
87. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.
88. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. **Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.** The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

The longitudinal section through the driveway prepared to satisfy another condition of this consent is to be submitted with the application.

89. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by

the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the outer lane of the Pacific Highway and extending 10 metres inside the property boundary. The driveway profiles must demonstrate that vehicular access to the development can be obtained without scraping of vehicles. Council's Extreme Low Level No. 3 profile (Plan No. 94-030-VC7) is to be used unless otherwise approved. The design levels at the boundary may need to be lowered slightly to accommodate the profile.

90. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be generally in accordance with the Stormwater Drainage plans prepared by AFCE Environment + Infrastructure, submitted with the development application, and advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
93. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention

devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.

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

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

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

95. A cash bond/bank guarantee of \$7 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

#2 Jacaranda mimosifolia (Jacaranda) \$1 000.00

Adjacent to western site corner

#11 Eucalyptus saligna (Bluegum) \$6 000.00

Adjacent to north east (rear) site boundary in neighbouring property

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

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

Tree/Location	Radius in Metres
#2 Jacaranda mimosifolia (Jacaranda)	5.0m
Adjacent to western site corner	

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

97. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the southbound road pavement of Pacific Highway, including kerb and gutter, over the site frontage.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

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

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

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



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

- \* Light traffic roads and those subject to a load or height limit must be avoided at all times.
  - \* A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
  - \* In addition, the plan must address:
  - \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
  - \* Minimising construction related traffic movements during school peak periods.
  - \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area. Basement parking is to be made available to employees as soon as possible.
  - \* The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.
99. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of neighbouring buildings, if any, within the 'zone of influence' of the excavation. If submitted, reports must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
100. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant

must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

101. 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:
  - \* TA concurrence to the proposed temporary rock anchors
  - \* How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - \* That the locations of the rock anchors are registered with Dial Before You Dig
  - \* That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - \* That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - \* That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
  - \* Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
  - \* All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.
102. 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.
103. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area.

The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#2 Jacaranda mimosifolia (Jacaranda) Adjacent to western site corner	5.0m
#3 Magnolia grandiflora (Bull Bay Magnolia) Adjacent to western site corner	3.0m
#4 Melaleuca quinquenervia (Broad leaf paperbark) Adjacent to northwest (side) site boundary within neighbouring property	3.0m
#7 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	7.0m
#8 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	7.0m
#11 Eucalyptus saligna (Bluegum) Adjacent to north east (rear) site boundary in neighbouring property	6.0m
#12 Grevillea robusta (Silky Oak) Adjacent to north east (rear) site boundary	3.0m
#13 Jacaranda mimosifolia (Jacaranda) Adjacent to north east (rear) site boundary in neighbouring property	3.0m

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

105. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:

#### 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.

If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works

Name, address, and telephone number of the developer/principal certifying authority.

106. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the

mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.

107. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
108. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
109. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
110. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

111. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
112. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use

of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision

113. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
114. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
115. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
  - a. The endorsement fee current at the time of lodgement.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
  - e. A copy of all works-as-executed plans required under the consent,
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

116. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements,

rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.

117. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
118. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

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

119. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report prepared by Jeffery and Katauskas and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
120. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- \* Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
  - \* Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall 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.

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

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

122. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
123. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
- \* That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - \* That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - \* That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
  - \* The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
  - \* The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
124. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
- \* As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - \* As built locations of all access pits and grates in the retention systems, including dimensions.
  - \* The achieved capacity of the retention storages and derivative calculations.
  - \* Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
  - \* As built surface and invert levels for all drainage pits and junction points.
  - \* Gradients of drainage lines, materials and sizes.
  - \* As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater

drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

125. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):

- \* A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
- \* A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
- \* All Engineer's certifications specified in this consent.

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

126. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- \* Mirrors are provided as recommended in the report prepared by Masson Wilson Twiney;
- \* Traffic lights are provided as required at each end of one way carpark ramps;
- \* Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
- \* No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.

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

- \* Pacific Highway southbound lane for the full frontage of the site;
- \* Any residences recommended by the geotechnical engineer for dilapidation reporting prior to commencement of works.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate approval, no follow-up survey is required.



128. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
129. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

## **BUILDING CONDITIONS**

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

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

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

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

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

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

**CARRIED UNANIMOUSLY**

562     **4 Kings Avenue, Roseville - Section 82A Review of Council's Refusal of a Double Carport**

File: DA1039/04-2

Ward: Roseville

Applicant: Jennifer Badger

Owner: Mr and Mrs Badger

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

**H Badger**

To review the refusal of development application No 1039/04 under Section 82A of the Environmental Planning and Assessment Act 1979 which sought consent for the construction of a double carport forward of the established building line.

**Resolved:**

(Moved: Councillors Shelley/Innes)

That Council review its determination of DA1039/04 by granting development consent to a double carport at 4 Kings Avenue, Roseville for a period of 2 years from the Notice of Determination subject to the following conditions:

**GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No 1039/04 and Development Application plans prepared by Michael Stuart Architects Pty Ltd, reference number 0251-40A, dated May 2003, reference number 0251-42C, 0251-43A, 0251-45A, dated April 2003 and lodged with Council on 8 October 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the watercourse within the site and generally in accordance with the submitted concept drainage plan by S. W. Healey and Associates (refer Drawing No. C01A, Job No. 3187, Revision A, dated 8/4/04). New drainage line connections to the watercourse must conform and comply with the requirements described in section 5.5 of Ku-ring-gai Council Water Management Development Control Plan 47.
5. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water

on site, must satisfy all the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).

6. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
7. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
8. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) *“Traffic Control Devices for Work on Roads”*. **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
9. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
10. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
11. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation

arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".

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

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

15. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
16. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
19. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.

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

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

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

21. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*.

The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

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

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
24. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

**Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Development application plans.** The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

25. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, details in relation to stormwater management and disposal for the approved development. The following must be included:
- Schedule of new drainage system components required to comply with AS3500.3 – (2003) *Plumbing Code*. This would typically nominate guttering and downpipe sizes and specifications, pipe and pit sizes for new drainage lines, and show the location of these by way of sketch on the architectural plans issued for construction purposes.
  - A plan showing the location(s) of the required rainwater storage tank(s) (of minimum volume 2m<sup>3</sup>) with manufacturer details and specifications provided for proprietary products. The design and citing of rainwater tanks shall be in accordance with Council Water Management DCP47, appendix 6. For every 5000 litres of tank storage provided, at least 100m<sup>2</sup> of roof area must drain to the rainwater tank system so that the tank has an adequate rainwater supply.
  - The specifications for any pumping facilities so that retained water may be used for household purposes as required.
  - A sketch plan showing the location of any *new* connection points to the public drainage system where proposed (e.g. at kerb, table drain, in ground pits or pipes) for Council records.

The details may be prepared by either a licensed plumber with experience in the installation of domestic stormwater systems or a qualified civil/hydraulic engineer. The scope of detail required shall be at the discretion of the Principal Certifying Authority having regard to ensuring that the new stormwater disposal and management systems are installed in accordance with the relevant plumbing codes, guidelines and the BCA.

26. Prior to issue of the Construction Certificate the submitted plans by Michael Stuart Architects (refer Drawing No. 0251-42C, dated Apr 2003) must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address the following issues:

- A clear internal width of the proposed double carport increased to a minimum 5.4m (currently 5m).
- The gradient of the proposed double carport slab measure parallel to the angle of parking, reduced to a maximum of 5% (currently 13%).

The amendments are required to ensure compliance with Australian Standard 2890.1 - "Off-street car parking"

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

27. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

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

28. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

29. Prior to issue of the Occupation Certificate the applicant must submit certification from the installing plumbing contractor to the Principal Certifying Authority that:
- a) The components of the new drainage system have been installed by a licensed contractor in accordance with the *National Plumbing and Drainage code* AS3500.3 (2003) and the *Building Code of Australia*, and
  - b) The stormwater drainage works have been completed in accordance with the approved Construction Certificate approved drainage plans and Ku-ring-gai Council Water Management DCP 47.

A qualified civil/hydraulic engineer may provide this certification in lieu of the installing contractor.

### **BUILDING CONDITIONS**

30. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
31. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

*For the Resolution:*                      *Councillors Andrew, Cross, Ebbeck, Hall, Innes, Ryan & Shelley*

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



563 **60 Roseville Avenue, Roseville - First Floor Attic Addition, Alterations to Ground Floor & Single Carport**

File: DA1009/05

Ward: Roseville

Applicant: Lindsay Little & Associates

Owner: Mr R G & Mrs S C Tuckwell

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

**S Tuckwell**

**Councillor Bennett withdrew during discussion**

To determine development application No.1009/05, which seeks consent for the erection of a first floor addition, alterations to ground floor and a carport.

**Resolved:**

(Moved: Councillor Shelley/Innes)

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

THAT the Council, as the consent authority, grant development consent to DA 1009/2005 for first floor attic addition and alterations to ground floor on land at 60 Roseville Avenue, Roseville, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No 1009/05 and Development Application plans prepared by Lindsay Little & Associates Pty Ltd, work shown in colour on plans numbered Sheet 1 of 3 to Sheet 3 of 3, dated 28 July 2005 and lodged with Council on 13 September 2005.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. To preserve streetscape amenity the dormer adjoining Bedroom 1 located on the north-eastern elevation, is to be deleted and replaced with "Velux" type skylights.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

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

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
15. Stormwater runoff from new hard surfaces generating runoff shall be piped to the existing site drainage system. No stormwater drainage system is to be connected to

the Sydney Water sewer system. Where found, all illegal connections must be rectified to the satisfaction of Council and Sydney Water.

16. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
17. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
18. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
19. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
20. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

21. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Glochidion ferdinandi</i> (Cheese tree) Adjacent south western boundary of 62 Roseville Avenue,	6 metres

22. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
23. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

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

27. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

28. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
29. External finishes and colours are to be sympathetic to the surrounding environment.

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

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

#### BUILDING CONDITIONS

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

- e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- 32. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
- 33. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

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

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

36. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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

*Against the Resolution:*    *The Mayor, Councillor E Malicki*

564

### **West Lindfield Sport & Recreation Club**

File: S02712

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

#### **P Bolton**

For Council to consider the proposal presented by West Lindfield Sport and Recreation Club to begin negotiations for a new 10 year licence and subsequently surrender their current licence, due to expire in 2009.

#### **Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council support the commencement of formal negotiations with West Lindfield Sport and Recreation Club and sub clubs for a new ten year licence which on adoption will supersede the existing lease due to expire in 2009.
- B. That negotiation for a new licence takes the concerns and potential for future opportunities outlined in the body of this report into consideration.

- C. That the options for Killara Croquet Club to be included as a sub club or as independent licensee be further investigated and reported to Council.
- D. That a further report be brought back to Council outlining the proposed terms and conditions of the new 10 year licence.

**CARRIED UNANIMOUSLY**

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

565 **Off-Leash Areas**

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File: S02038

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

**R Milwidsky**

**Notice of Motion from Councillor T Hall dated 29 November 2005.**

I move:

”That Council discontinue any construction of off-leash facilities at Toolang Road Oval, St Ives in line with the adopted Capital Works Program for 2005/06. Instead, Warrimoo Oval at St Ives be trialled as the first priority off-leash area in north St Ives with a view to its replacing the unsuitable Toolang Road Oval, currently approved under the present Capital Works Program.

That the current Capital Works Program funds be transferred to Warrimoo Oval.”

**Resolved:**

(Moved: Councillors Hall/Ryan)

That the above Notice of Motion as amended be adopted.

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

*Against the Resolution: The Mayor, Councillor E Malicki, Councillors Innes & Shelley*



566 **Photographic Competition - History Week**

File: S04581

**Notice of Motion from Councillors L Bennett, M Shelley & A Andrew dated 6 December 2005.**

**Councillor Bennett returned during discussion**

We move:

"That Council endorse the holding of a photographic competition on the history and heritage of Ku-ring-gai during History Week 2006 and that a budgetary allocation for prizes be considered in the budget deliberations for the next financial year."

**Resolved:**

(Moved: Councillors Shelley/Innes)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

567 **Conflict of Interest Agenda Item**

File: S02211

Question Without Notice from Councillor M Lane

Can the second item on the standard Agenda include reference to "Conflict of Interest" as well as Pecuniary Interest?

**Answer by the General Manager**

My view was that pecuniary interest, as an umbrella covers all of those items, Councillor. That is how I have always read it but if Council wants to change the words, that's fine.

**Question by Cr Lane**

My understanding is that from the current Code of Conduct there are differences and differences of the essential outcome. That's why I raised the issue.

**Answer by the Mayor**

The General Manager will check this and report back to us.

568     **Stage 2 RDS Town Centres**

File: S04151

Question Without Notice from Councillor T Hall

I ask the Acting Director of Planning what emphasis is being placed on the Stage 2 Town Centres' program to -

- (a) Meet the requirements of the government's published Metro Strategy?
- (b) Meet employment opportunities in the Local Government area as a percentage of Sydney metropolitan area?

**Answer by the Mayor**

The Director will report back.

569     **Site Inspection Aborted**

File: DA0425/05

Question Without Notice from Councillor T Hall

I ask the Director what can be done to avoid aborted site inspections involving LEP194 DAs?

Could the applicant be asked to provide a scaled overlay plan of the existing houses to the new proposal if time does not permit an applicant to peg-out the site?

**Answer by the Director Development & Regulation**

What we now do is as soon as a matter is on an agenda for the next Council Meeting, (six days prior to the matter going to Council), I alert the applicants that there is a strong possibility of it going to site inspection so that they have sufficient advanced notice of that. Our letter will indicate to applicants precisely what is expected and what is the standard in terms of site preparation in advance of the site inspection.

570     **25A, 27 & 29 Lorne Avenue, Killara - Site Inspection**

File: DA0425/05

Question Without Notice from Councillor A Ryan

Can we re-consider holding the site inspection at Lorne Avenue in light of the address to Council earlier this evening in order to further the matter?

**Answer by the Director Development & Regulation**

It wouldn't make any difference in terms of when it goes back to Council. Simply because anything that would have gone to site inspection, not only this meeting but the last meeting of last week won't make it back to Council for a decision until the first meeting in February.

**571 Local Government Excellence in the Environment Awards 2004/2005**

File: S02046

Question Without Notice from Councillor M Shelley

Would the General Manager please pass on my congratulations to the staff for the receipt of the Urban Feral Action Group, Winner of Division C in the Local Government Excellence in the Environment Awards and also the Highly Commended, Division C – Biodiversity Management that we recently received?

**Answer by the General Manager**

It would be a great pleasure to do so, Madam Mayor and Councillors.

**572 RECOGNITION OF GENERAL MANAGER**

(Moved: Councillors Innes/Ryan)

That Council formally recognise the excellent work which the General Manager, Brian Bell, has performed during his time at Ku-ring-gai Council and express its thanks for the commitment, effort and the team he has built whilst he has been the General Manager.

**CARRIED UNANIMOUSLY**

*Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following item:*

**Councillors Cross & Hall departed  
during the Closed Session**

**573 1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees**  
*(Section 10A(2)(g) - Advice concerning litigation)*

File: S04355

Report by Corporate Lawyer & Director Development & Regulation dated 12 December 2005.

To seek Council's instructions in relation to further action in relation to the removal of trees from the property at 1580 to 1596 Pacific Highway, Wahroonga.

**Resolved:**

(Moved: Councillors Andrew/Innes)

That Council take further action as discussed.

**CARRIED UNANIMOUSLY**

- 574 **Staff Matter - Mayoral Minute - Resignation of the General Manager**  
(Section 10A(2)(a) - Personnel matters concerning particular individuals)

S02934

**Resolved:**

That the Mayoral Minute, as amended, be adopted

**CARRIED UNANIMOUSLY**

The Mayor adverted to the consideration of the matters referred to in Minutes numbered 573 & 574, and to the resolutions contained in such Minutes.

*The Meeting closed at 10.44pm*

The Minutes of the Ordinary Meeting of Council held on 13 December 2005 (Pages 1 - 156) were confirmed as a full and accurate record of proceedings on 7 February 2006.

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General Manager

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Mayor / Chairperson