

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 14 MARCH 2006

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

Staff Present: Acting General Manager (John McKee)  
Acting Director Finance & Business (John Clark)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Senior Urban Planner (Craig Wyse)  
Director Community Services (Janice Bevan)  
Consultant to Council (David Lethbridge)  
Admin Assistant (Keri Blackman)

Also Present: GTA Traffic & Transport Consultant (Alan Stewart, Snr Project Manager)

*The Meeting commenced at 7.03pm*

*The Mayor offered the Prayer*

### DECLARATIONS OF INTEREST

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

No such interest was declared.

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

File: S02499

#### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

In accordance with the provisions of Section 10 of the Local Government Act 1993:

- A. That the officers' report on the Analysis of Land & Environment Court Costs, 2nd Quarter ended 31 December 2005 be released to the press & public.
- B. That the confidential letter attached to the Memorandum by Director Open Space & Planning dated 14 March 2006 in reference to GB Item No 12 - St Ives Centre Draft LEP - Review of Retail Floor Space be not released to the press & public until Council receives advice from Hill PDA Consulting, and if they are agreeable to the releasing of the document to the public, that the particular document be placed on the Council's website.

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

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

*The above Resolution, concerning Item No B, was subject to an Amendment which was LOST. The Lost Amendment was:*

*(Moved: Councillors Hall/Bennett)*

- B. That the confidential letter attached to the Memorandum by Director Open Space & Planning dated 14 March 2006 in reference to GB Item No 12 - St Ives Centre Draft LEP - Review of Retail Floor Space be released to the press & public.

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

Late Items: Refer OMC Minute No 53 of 28 February 2006 - Memorandum by Acting General Manager dated 8 March 2006 & Memorandum by Director Open Space & Planning dated 6 March 2006.

Refer MM.1 - Mayoral Minute - NSW Environmental Planning & Assessment Amendment Bill

Refer MM.2 - VALE Harry Seidler

Refer GB.13- Report on Analysis of Land & Environment Court Costs, 2nd Quarter ended 31 December 2006 - Memorandum by Acting Director Finance & Business dated 9 March 2006.

Councillors Information: Site Inspection Minutes of Meeting held on Saturday, 4 March 2006 at property, 27 Warrimoo Avenue, St Ives.

- Refer GB.1: 5, 6, 7, 8 & 10 Sturt Place, 17 & 19 Memorial Avenue, 102 to 108 & 114 to 118 Killeaton Street, St Ives - Memorandum by Director Development & Regulation dated 14 March 2006.
- Refer GB.3: 17 to 19 Powell Street & 4 to 6 Wallaroo Close, Killara - Memorandum by Director Development & Regulation dated 14 March 2006.
- Refer GB.10: Report on Catchment Analysis for Lane Cove Catchment & Combined Works Program - Memorandum by Director Technical Services.
- Refer GB.11: Turramurra Centre Traffic Study - Memorandum by Director Technical Services dated 14 March 2006.
- Refer GB.12: St Ives Centre Draft LEP - Review of Retail Floor Space - Memorandum by Director Open Space & Planning dated 14 March 2006.

62 **CONFIRMATION OF MINUTES**

File: S02131  
Meeting held 7 February 2006  
Minute numbered 6  
Memorandum by Senior Governance Officer dated 1 March 2006

**Resolved:**

(Moved: Councillors Ryan/Ebbeck)

That Minute numbered 6 be confirmed with it being noted that there are 125 signatories.

**CARRIED UNANIMOUSLY**

63 **CONFIRMATION OF MINUTES**

**Minutes of Ordinary Meeting of Council**

File: S02131  
Meeting held 28 February 2006  
Minutes numbered 34 to 60

**Resolved:**

(Moved: Councillors Ryan/Ebbeck)

- A. That Minutes numbered 34 to 52 & 54 to 60 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.
- B. That Part B of Minute No 53 - Turramurra Town Centre - Additional Matters-Heritage, Hillview, Interface Sites be amended to read as follows:

*B. That the Draft Local Environmental Plan for the Turramurra Town Centre include the rezoning of additional lands in accordance with the following table and as outlined in this report.*

<b>Land Description</b>	<b>Addresses</b>	<b>Proposed Zones</b>
Hillview and adjoining sites commercial sites	1334, 1340, 1356, <b>1356a</b> , 1358, 1360 1362 Pacific Highway, 2 Kissing Point Road	Local Centre
Area bounded by Ray Street, Pacific Highway, Cherry Street and railway line	1345, 1351, 1359 Pacific Highway, 6, 8 10, 12, 14, 16, 18 Ray Street, 2 Cherry Street	Residential - High Density
Corner of Pacific Highway and Duff Street	1A Duff Street, 1416 and 1420 Pacific Highway	Residential - High Density
Corner of Kissing Point Road and Boyd Street	4-6, 8 Kissing Point Road, 2-4, 6 Boyd Street	Residential - High Density
Area bounded by Rohini Street Eastern Road, King Street, pathway between King and Cherry Streets and railway line	51, 53 Rohini Street, 22, 24, 26, 28 Eastern Road 6 King Street	Residential - High Density
	1428, 1458 Pacific Highway	Residential - High Density
	30, 32 Turramurra Avenue, 37, 39 Gilroy Road	Residential - Medium Density

**CARRIED UNANIMOUSLY**

## **MINUTES FROM THE MAYOR**

### **64 NSW Environmental Planning & Assessment Amendment Bill**

File: S02237

I refer to Minister Frank Sartor's second reading speech on the Environmental Planning and Assessment Amendment Bill in the NSW Parliament, which is currently being considered by the Legislative Council.

In his speech, the Minister outlined that one of the objectives of the Environmental Planning and Assessment Amendment Bill is to introduce measures to address the unsatisfactory performance of some councils in the processing of development applications. It is intended that the measures contained in the Bill will create greater certainty and efficiency in the planning and development assessment process and result in more timely and reasonable planning decisions.

The Minister's primary concerns with such councils relate to:

- Increasing delays in the assessment and determination of development applications.

- Excessive legal expenses incurred by many councils in relation to planning and development matters.
- Some councils ignored development standards and approved inappropriate development. Other councils refused appropriate development, despite compliance with development controls and endorsement from council officers.

Unlike the councils referred to in the Minister's speech, Ku-ring-gai Council has significantly reformed its development assessment and determination processes over the past two years; achieving the following results:

- A reduction in outstanding development applications from 1000 in November 2003 to 373 in February 2006.
- A 42% reduction in our median development application processing time, from 111 days to 78 days (for all application types). This is expected to further reduce over the next 12 months.
- A 31% reduction in the number of Land and Environment Court appeals involving Ku-ring-gai Council from 2004 to 2005.
- A 26% (\$600,000) reduction in our legal costs from 2003 to 2005.
- Considerable increases in staff delegation, such that less than 4% of all development applications are now determined by full Council, with the vast majority of these applications being determined in accordance with the staff recommendation.
- Considerable improvement in Council's handling of LEP 194 (medium density residential) development applications, with the proportion of approvals increasing from 55% in November 2005 to 73% in February 2006. Council has determined 73% of all LEP 194 DA's lodged to date, with the 46 approvals yielding in excess of 1600 new residential units.
- In his speech, the Minister acknowledges that certain applications will necessarily take longer to process due to their scale, complexity and controversial nature. Council has already reduced its processing time for LEP 194 applications by 10% since November 2005. We expect to further reduce this processing time through the measures outlined in the letter to the Minister of 17 November 2005.

Our Local Environmental Plans are being prepared pursuant to the Department's standard template and in accordance with the Minister's directive.

**Resolved:**

- A. That the Mayoral Minute in relation to the NSW Environmental Planning and Assessment Amendment Bill be received and noted.

- B. That the Mayoral Minute's details be referred to Council's local members of Parliament for their information & to all MLCs.
- C. That Council congratulate and thank the staff involved in improving Council's performance in the processing of Development Applications for an exceptional job.

**CARRIED UNANIMOUSLY**

65

**VALE Harry Seidler**

Files: S02380, S04813

It was with great sadness that we learned last week of the death of renowned architect and long-time Ku-ring-gai resident, Harry Seidler.

Mr Seidler, who passed away at his Killara home after a long illness, had many links to the Ku-ring-gai area. The very first building he designed after arriving in Australia in 1948 - Rose Seidler House at Wahroonga – is one of his most famous.

The glass-walled, elevated cubiform house, which he designed for his mother Rose, was revolutionary for its modernist design and remains one of Sydney's most significant architectural attractions.

Harry Seidler was born in Vienna in 1923 and is recognised as one of Australia's leading architects of the modern movement. In Australia and overseas, he designed many important residential and commercial buildings, introducing new ideas and construction techniques and making a major contribution to the architecture of Sydney.

Among the most famous of his Sydney buildings are Australia Square, the MLC Centre, Grosvenor Place, the Capita Centre and the controversial Blues Point Tower apartments at North Sydney.

Other prominent homes he designed in the Ku-ring-gai area include Rose House and Hutter House, both in Turramurra, and Gissing House in Wahroonga.

In 1987, Mr Seidler was made a Companion of the Order of Australia, and he won numerous architectural awards including the Royal Australian Institute of Architects' Gold Medal and the Royal Institute of British Architects' Gold Medal.

On behalf of Ku-ring-gai Council and the Ku-ring-gai community, I would like to extend sincere condolences to Mr Seidler's family including his wife Penelope, and his children Tim and Polly.

We have been proud of Harry Seidler's long association with Ku-ring-gai, which undoubtedly will continue through his important architectural legacy.

**Resolved:**

That this Mayoral Minute be received and noted.

**CARRIED UNANIMOUSLY**

**PETITIONS**

- 66     **1580, 1582, 1584, 1588, 1588a, 1590, 1596 Pacific Highway, Wahroonga - Opposition to Application made by Meriton to Amend the Work Hour Conditions laid down in the Development Application - (Forty-Three [43] Signatures)**

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File: DA1081/04-11

**The following Petition was presented by Councillor Andrew:**

"We the petitioners who have signed below are opposed to the application made by Meriton to amend the work hour conditions laid down in DA 1081104. We are strongly opposed to any changes in Condition 14. This includes amendments to delivery times before 7.00am and noise generation after hours especially on Saturday afternoons.

**Condition 14**

HOURS OF WORK: For the purpose of residential amenity noise generating work carried out in the connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours:

Monday 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 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 plants.

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."

**Resolved:**

(Moved: Councillors Andrew/Lane)

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

**CARRIED UNANIMOUSLY**

- 67     **Opposition to Road Changes in the vicinity of Turramurra Uniting Church - (One Hundred & Fourteen [114] Signatures)**

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File: S04037

"We, the undersigned residents of the Turramurra area, hereby express our total opposition to the street changes proposed in the vicinity of Turramurra Uniting Church shown in map D3SV (dated 7 March 2006) and D4SV (dated 6 March 2006) in the 'Draft Turramurra Town Centre Traffic and Car Parking Study', listed as GB.11 for the Ordinary Meeting of Council of 14 March 2006."

**Recommendation:**

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

**CARRIED UNANIMOUSLY**

**REPORTS FROM COMMITTEES**

68 **Minutes of Inspections Committee**

File: S04182

Meeting held 4 March 2006

**Resolved:**

(Moved: Councillors Hall/Cross)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

69 **Environmental Levy Small Grants Scheme - Round One**

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File: S04078

To seek Council's support to fund the first round of the community small grants scheme funded by the Environmental Levy.

**Resolved:**

(Moved: Councillors Shelley/Cross)

That Council supports the following applications for funding under round one of the community small grants scheme:

- |    |  |         |
|----|--|---------|
| a) | Macquarie University – Riparian Assessment         | \$3,500 |
| b) | University of NSW – Lyre Bird Study                | \$5,000 |
| c) | Ku-ring-gai Flying Fox Reserve – Education program | \$4,000 |



**CARRIED UNANIMOUSLY**

70 **Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting of 20 February 2006**

File: S03448

To bring to the attention of Council the proceedings from the Bushland Catchments and Natural Areas Reference Group meeting held on Monday, 20 February 2006.

**Resolved:**

(Moved: Councillors Shelley/Andrew)

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of 20 February 2006 be received and noted.

**CARRIED UNANIMOUSLY**

71 **Transfer to Council of Lot 34 DP 1079802, being the rear of 38B Nelson Street, Gordon**

File: P53798

To advise Council of an offer from the NSW Department of Planning to transfer Lot 34 DP 1079802, being the rear of 38B Nelson Street, Gordon to incorporate this into the Ku-ring-gai Flying Fox Reserve.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That Council accepts the land transfer of Lot 34 DP 1079802, as Community Classified land to be included in Council's Bushland Plan of Management.
- B. That the Mayor and General Manager be authorised to execute and affix the Common Seal to all documentation associated with the Land Transfer Agreement and Order.
- C. Following the land transfer, Council seek a modification to the Conservation Agreement affecting Flying Fox Reserve and incorporate the new land addition.

**CARRIED UNANIMOUSLY**

72

**1, 1A & 3 Heydon Avenue & 2 & 2A Eulbertie Street, Warrawee -  
Demolition of Existing Structures & Construction of 4 Residential Flat  
Buildings Comprising 52 Residential Units, Basement Car Parking &  
Associated Landscaping**

File: DA0549/05

Ward: Wahroonga

Applicant: Axis Learning Centre P/L

Owners: 1 Heydon Avenue - P Ewart-Brown & G L Ewart-Brown, 1A Heydon Avenue -  
Axis Learning Centre, 3 Heydon Avenue - J A Vipond, 2 Eulbertie Avenue - K F Alder & P  
M Alder, 2A Eulbertie Avenue - J A Germann

To determine development application No.549/05 which seeks consent for the demolition  
of existing structures and construction of 4 residential flat buildings comprising 52  
residential units, basement car parking and associated 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 DA 549/05 for  
demolition of 5 single dwellings and associated structures, construction of residential flat  
development comprising 4 x 5 storey buildings and associated basement car parking on  
land at 1, 1a, 3 Heydon Avenue and 2, 2a Eulbertie Avenue for a period of two (2) years  
from the date of the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans numbered DA1C, DA2B, DA3C, DA4C, DA6C, DA7B, DA8C, DA9C, DA10C, SA3C, SA11C dated 16 January 2006, DA5D, dated 25 January 2006, drawn by Simon Chan and Associates P/L and lodged with Council on 20 January and 26 January 2006 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
13. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying

Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
14. With regard to the proposed rock breaking the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish

particulars of the excavation to the owner of the building being erected or demolished.

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

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

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. 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.
20. 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.

21. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
22. 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.

24. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
25. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
26. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
27. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
28. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
29. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
30. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
31. For safety purposes, depth markers shall be provided at both ends of the pool.
32. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
33. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

34. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
35. 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.
36. 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.
37. 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.

38. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
39. 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.
40. 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.

41. 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.
42. 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.
43. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
44. 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.
45. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
46. Fire hoses are to be maintained on site during the course of demolition.
47. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
48. 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.
49. 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.
50. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
51. 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.



52. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

*Special conditions*

53. "Peep holes" shall be provided to the entrance doors of all units for personal security.
54. A new 1.8m timber lapped and capped fence is to be provided to the boundaries adjacent to the single residential dwellings. The fence is to start at the building line.
55. The external facades of the development are to be constructed using the materials shown on sample board, and lodged with Council on 20 January 2006. The courtyard walls are also to be constructed of the face brick, or a combination of face brick and coloured render with the face brick as the major element.

*Landscaping conditions*

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

**Tree/location**

**Time of inspection**

All existing trees to be retained as nominated	Prior to demolition At the completion of demolition Prior to excavation At the completion of excavation Prior to construction works starting At monthly intervals during construction At the completion of construction works At the completion of landscape works
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57. 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.
58. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

**Tree/Location**

**Radius From Trunk**

#1 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	3.0m
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#5 <i>Lophostemon confertus</i> (Brushbox) Adjacent to western site boundary	4.0m
#6 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	3.5m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	3.5m
#8 <i>Juniperous spp.</i> (Juniper) Adjacent to western site boundary	2.0m
#9 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to western site boundary	3.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	4.0m
#11 <i>Juniperous scopulorum</i> (Rocky Mountain Juniper) Adjacent to south west site corner	3.0m
#12 <i>Macadamia tetraphylla</i> (Macadamia Nut) Adjacent to southern site boundary	3.0m
#13 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#14 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#15 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#17 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south east site corner	4.0m
#21 <i>Ginkgo biloba</i> (Maidenhair tree) Adjacent to north east site corner	2.0m
#22 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern site boundary	4.0m

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

Tree/Location	Radius From Trunk
#1 <i>Acer palmatum</i> (Japanese Maple)	3.0m

Adjacent to northern site boundary

#5 *Lophostemon confertus* (Brushbox) 4.0m  
Adjacent to western site boundary

#6 *Liquidambar styraciflua* (Sweet Gum) 3.5m  
Adjacent to western site boundary

#7 *Platanus x hybrida* (London Plane Tree) 3.5m  
Heydon Ave nature strip

#8 *Juniperous spp.* (Juniper) 2.0m  
Adjacent to western site boundary

#9 *Citharexylum spinosum* (Fiddlewood) 3.0m  
Adjacent to western site boundary

#10 *Platanus x hybrida* (London Plane Tree) 4.0m  
Heydon Ave nature strip

#11 *Juniperous scopulorum* (Rocky Mountain Juniper) 3.0m  
Adjacent to south west site corner

#12 *Macadamia tetraphylla* (Macadamia Nut) 3.0m  
Adjacent to southern site boundary

#13 *Xylosma senticosum* (Xylosma) 2.0m  
Adjacent to south east site corner

#14 *Xylosma senticosum* (Xylosma) 2.0m  
Adjacent to south east site corner

#15 *Xylosma senticosum* (Xylosma) 2.0m  
Adjacent to south east site corner

#17 *Liquidambar styraciflua* (Sweet Gum) 4.0m  
Adjacent to south east site corner

#21 *Ginkgo biloba* (Maidenhair tree) 2.0m  
Adjacent to north east site corner

#22 *Magnolia grandiflora* (Bull Bay Magnolia) 4.0m  
Adjacent to northern site boundary

60. 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.

61. 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 planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Tristaniaopsis laurina</i> (Water Gum)	10

62. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Heydon Ave as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Platanus x hybrida</i> (London Plane Tree)	4

63. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Eulbertie Ave as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Jacaranda mimosifolia</i> (Jacaranda)	6

64. 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.
65. 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

#### *Engineering conditions*

66. 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 in Eulbertie Avenue. Because of the high sandstone wall in lieu of kerb, the connections will have to be carefully constructed to be hydraulically efficient as well as aesthetically pleasing. This is to be certified on the design plans.
67. 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.
68. 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.

69. 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.
70. 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.
71. 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.
72. 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.**
73. 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.
74. 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.

75. 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.
76. 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.
77. 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.
78. 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).
79. **Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation JG05711A by GeoEnviro Consultancy and the subsequent geotechnical investigations carried out for construction purposes.**
80. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
81. 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.

82. 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 driveway to the garbage storage area which would prevent this service.
83. 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.
84. Signs are to be provided at the entry to and exit from the car park which advise of the one way movement. Signs or painted arrows are also to be provided at appropriate locations within the car park indicating the direction of movement.

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

85. 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.

86. 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.
87. 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-SEVEN  
(47) ADDITIONAL DWELLINGS IS CURRENTLY \$747,738.08.** 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 - Turramurra/Warrawee	\$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

#### *Special conditions*

88. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the managing body of the development.
89. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the DEC's *Environmental Criteria for Road Traffic Noise, May 1999*. Details demonstrating compliance are to be provided with the Construction Certificate application.
90. To preserve community health and ensure compliance with acceptable standards, any exhaust ventilation from the car parks and waste area is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with



the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate application.

91. To minimise the impact on surrounding properties and improve visual appearance and amenity for the locality all plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application.
92. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths is illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
93. For resident amenity all pool filtration equipment shall be located in the basement and the filtration motor pump unit shall be housed in a sound attenuating enclosure. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
94. The development is to comply with the minimum insulation and glazing requirements specified in the NatHERS Assessment by Richard Kok, dated 17 May 2005 and lodged with Council on 3 June 2005. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
95. The development is to comply with the AS4299/1428 as outlined in the Access Report by Mark Relf dated 18 January 2006. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.
96. For improved light and ventilation, the following rooms are to be provided with an opaque window, with either a minimum sill height of 1.6m above floor level or fixed to 1.6m above floor level:
  - the fifth storey ensuites in Penthouse 1 and 2;
  - the laundry and adjacent bathroom Apartments 3, 4 15, 16, 27 and 28 and Penthouse 1 and 2;
  - the bathroom adjacent to bedroom 2 in Apartments 7, 8, 9, 10, 22 and 34;
  - the ensuite to Bedroom 1 in Apartments 6, 9, 41 and 45;
  - the ensuite adjacent to bedroom 2 in Apartment 12, 24, 36 and 45;
  - the laundry in Penthouses 6 and 7.

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

97. For convenient pedestrian access, unit number signage is to be provided at the entry gates between the buildings and at the entry to each building. Details are to be

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

*Landscaping conditions*

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

Tree/Location	Radius From Trunk
#9 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to western site boundary	3.0m

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

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

Tree/Location	Radius in Metres
#1 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	3.0m
#5 <i>Lophostemon confertus</i> (Brushbox) Adjacent to western site boundary	4.0m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	3.5m
#8 <i>Juniperous spp.</i> (Juniper) Adjacent to western site boundary	2.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	4.0m
#11 <i>Juniperous scopulorum</i> (Rocky Mountain Juniper) Adjacent to south west site corner	3.0m
#12 <i>Macadamia tetraphylla</i> (Macadamia Nut) Adjacent to southern site boundary	3.0m

#13 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#14 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#15 <i>Xylosma senticosum</i> (Xylosma) Adjacent to south east site corner	2.0m
#17 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south east site corner	4.0m
#22 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern site boundary	4.0m

100. The submitted landscape plan LA01 Rev A prepared by Taylor Brammer and dated 31/05/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer **and must be consistent with the approved architectural plans.** The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The *Syncarpia glomulifera* (Turpentine) proposed along the Pacific Hwy frontage are to be deleted and replaced with a 50/50 mix of *Eucalyptus pilularis* (Blackbutt) and *Eucalyptus saligna* (Bluegum).
- Removal of tree #16 *Liquidambar styraciflua* (Sweet Gum) which is exempt under council's TPO and replacing it with a tall native endemic tree species.
- The existing *Arecastrum romanzoffianum* (Cocco's Palm) located on site are to be removed.
- The proposed boundary fencing is to be consistent with architectural plans dated 16/01/2006 Rev C (the fence has been deleted and is not approved as part of this application).
- The pedestrian entry paths are to be as shown on the architectural plans dated 16/01/2006 Rev C (no increased paving greater than 1.0m at entrances).
- Courtyard walls to the north to be relocated in accordance with the approved architectural plans dated 16/01/2006. To protect the *Magnolia grandiflora*, the courtyard walls to Apartment 7 are to be constructed of lightweight materials. The area between the courtyard walls to the north of apartments 7 and 8 is to be fully planted.
- Boundary fencing to the north and north-east, required in these conditions, is to be shown on the plan.

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

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

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

102. 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 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
#5 <i>Lophostemon confertus</i> (Brushbox) Adjacent to western site boundary	\$1,000.00
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	\$1,000.00
#9 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to western site boundary	\$1,000.00
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip	\$2,000.00
#22 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to northern site boundary	\$2,000.00

#### *Engineering conditions*

103. 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.
104. 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.

105. 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.
106. 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.

For the exit driveway into Eulbertie Avenue, a new gutter bridge crossing will be specified, to be installed by Council upon payment of the estimated cost of the works.

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.

107. The Applicant must carry out the following infrastructure works in the Public Road:
  - a. construct a 1.2 metres wide concrete footpath along the Eulbertie Avenue frontage of the site.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction

Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

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

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

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

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

108. 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).
109. 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.
110. 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, and are to be sealed and lightproof. 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 may be generally in accordance with the Stormwater Drainage plans prepared by Lee Engineering Consultants, 1920 H01 and H02 Issue C and H03 and H04, both Issue D, advanced as necessary for construction issue purposes. **Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.**

111. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
112. 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. Because of the high sandstone wall in Eulbertie Avenue in lieu of kerb, the connections will have to be designed to be hydraulically efficient as well as aesthetically pleasing. A detail is to be shown on the design plans.

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

113. 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.
114. 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.
115. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. A Registered Surveyor's set out report.

*Landscaping conditions*

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

Tree/Location	Radius in Metres
#1 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary	3.0m
#5 <i>Lophostemon confertus</i> (Brushbox) Adjacent to western site boundary	4.0m
#6 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western site boundary	3.0m
#7 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip (Pedestrian access is to be maintained at all times)	3.5m
#8 <i>Juniperous spp.</i> (Juniper) Adjacent to western site boundary	2.0m
#9 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to western site boundary	3.0m
#10 <i>Platanus x hybrida</i> (London Plane Tree) Heydon Ave nature strip (Pedestrian access is to be maintained at all times)	4.0m
#11 <i>Juniperous scopulorum</i> (Rocky Mountain Juniper)	3.0m



Adjacent to south west site corner

#12 *Macadamia tetraphylla* (Macadamia Nut) 3.0m  
Adjacent to southern site boundary

#13 *Xylosma senticosum* (Xylosma) 2.0m  
Adjacent to south east site corner

#14 *Xylosma senticosum* (Xylosma) 2.0m  
Adjacent to south east site corner

#15 *Xylosma senticosum* (Xylosma) 2.0m  
Adjacent to south east site corner

#17 *Liquidambar styraciflua* (Sweet Gum) 4.0m  
Adjacent to south east site corner

#21 *Ginkgo biloba* (Maidenhair tree) 2.0m  
Adjacent to north east site corner

#22 *Magnolia grandiflora* (Bull Bay Magnolia) 4.0m  
Adjacent to northern site boundary

117. 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.
118. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  1. Tree Protection Zone.
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
119. 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.
120. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

*Engineering conditions*

121. 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 following public infrastructure:

- a) Full road pavement width of Heydon Avenue, Eulbertie Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
- b) All driveway crossings and laybacks in Heydon Avenue and Eulbertie Avenue 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.

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.

122. 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 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
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 designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  - Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

**For traffic and pedestrian amenity purposes, no truck movements shall occur in Heydon Avenue or Eulbertie Avenue during school drop-off (8.00 am to 9.30 am) and school collection hours (2.30 pm to 4.00 pm).**

- 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**
- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
  - 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.

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.

- 123. 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 the adjoining structures at 5 Heydon Avenue and 4 Eulbertie Avenue. The report must be completed by a consulting structural/geotechnical engineer. 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.**

124. 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.

125. 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:
- (1) RTA concurrence to the proposed temporary rock anchors
  - (2) 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
  - (3) That the locations of the rock anchors are registered with Dial Before You Dig
  - (4) 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.
  - (5) 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.
  - (6) 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.

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

### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

127. 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.
128. An acoustic report shall be prepared by a suitably qualified person detailing the devices fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.

All works required by the Acoustic Report are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

#### *Landscaping conditions*

129. 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.
130. 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

#### *Engineering conditions*

- 131. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications must be compiled in report format and submitted to the Principal Certifying Authority for approval.**
132. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
  - b) Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
  - c) 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.

- d) Full repair and resealing of any road surface damaged during construction.
- e) 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.

- 133. 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).
- 134. 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.
- 135. 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:
  - a) That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - b) That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - c) 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).
  - d) 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,
  - e) 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.
- 136. 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:
  - a) 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
  - b) As built locations of all access pits and grates in the retention systems, including dimensions.
  - c) The achieved capacity of the retention storages and derivative calculations.

- d) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- e) As built surface and invert levels for all drainage pits and junction points.
- f) Gradients of drainage lines, materials and sizes.
- g) 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.

137. 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 Engineers' 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.

138. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.

139. 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) 5 Heydon Avenue and 4 Eulbertie Avenue.
- b) Full road pavement width of Heydon Avenue, Eulbertie Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
- c) All driveway crossings and laybacks in Heydon Avenue and Eulbertie Avenue 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.

140. 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 88E 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.
141. 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.
142. 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:
- a) 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
  - b) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Council's waste collection vehicle, including the truck manoeuvring area for forward egress.
  - c) A minimum of 2.44 metres headroom has been provided for access to the waste storage area.
143. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.

#### BUILDING CONDITIONS

144. 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.

145. 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. A Registered Surveyor's Reports confirming approved floor levels for all floors.

**CARRIED UNANIMOUSLY**

73

**36 Awatea Road, St Ives - Subdivision into Three (3) Lots & the Removal of part of the Structure & the Alterations & Additions to the Existing Dwelling House**

File: DA1165/05

Ward: St Ives

Applicant: Mr & Mrs Ney

Owner: Mr & Mrs Ney

To determine Development Application No 1165/05 which seeks consent for the subdivision into three (3) lots and the removal of part of the structure and the alterations and additions to the existing dwelling house.

**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, 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 1165/05 is consistent with the aims of the Policy, grant development consent to DA 1165/05 for subdivision of one allotments into three, including the removal of part of the structure and the alterations and additions to the existing dwelling house on Lot 232 of

DP 752031 at 36 Awatea Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plan numbered A01, Subdivision Plan, Revision A, dated 1 April 2004, drawn by Jackson Architects, lodged with Council on the 18 October 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
3. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
4. The 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. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
6. The applicant shall ensure that at all times during the demolition period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
7. 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.**
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. 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.
10. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
11. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during demolition operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
12. 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.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. 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.
15. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
16. 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.
17. 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.
18. 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.
19. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
20. 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.
21. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
22. A sign must be erected in a prominent position on any work site on which work involved in the demolition of a works 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.

23. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
24. Construction of a driveway within the access handle to proposed Lot 3. The driveway crossing shall have a minimum width of 3.7 metres to comply with Council's Specification. The driveway is to have a minimum width of 3.0 metres and to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck.
25. 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.
26. The following performance criteria must be addressed by future development of the lots:
  - Any dwelling shall be designed to minimise loss of trees:
  - Any dwelling should aim to preserve those trees considered most worthy of retention in a tree report prepared by a qualified Arborist.
  - The dwelling shall be designed to minimise excavation, however no excavation would be preferred.
  - The design of the dwelling shall have regard for its bushland setting ie: the scale and form of the building, as well as colours, building materials and landscape design shall be appropriate for, and harmonise with, the bushland character of the area.

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

27. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation for the driveway to the proposed Lot 3. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with Australian Standard 2890.1 – 2004 "Off-street car parking" in terms of passing opportunities, ramp grades and driveway width.
28. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as

specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

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

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

29. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor license number of the owner/builder who intends to carry out the approved works.
30. Prior to commencing any demolition 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 THE ISSUE OF A SUBDIVISION CERTIFICATE

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

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

**TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO (2)**

**ADDITIONAL ALLOTMENTS IS CURRENTLY \$64,648.00.** The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

**OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES**

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons

New Lot	3.48 persons
<b>SEPP (Seniors Living) Dwelling</b>	<b>1.3 persons</b>

34. The linen plan release fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to issue of the Subdivision Certificate.
35. Construction of the driveway access to the proposed Lot 3 is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. A Work-as-executed plan of the as-constructed driveway is to be prepared by a registered surveyor. Certification and the WAE plans are to be provided to the Principal Certifying Authority for approval prior to issue of a Subdivision Certificate.
36. For endorsement of the linen plan/ issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
  - Council's Subdivision Lodgement Form, available from Council's Customer Services.
  - The endorsement fee current at the time of lodgement,
  - The 88B Instruments plus six (6) copies,
  - All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - A copy of all works-as-executed plans required under the consent,
  - The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

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

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

37. For endorsement of the linen plan / issue of the subdivision certificate, 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.
38. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drain age 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).

39. Creation of suitable drainage easements if required, with minimum widths in accordance with Council's Water DCP 47.
40. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.

41. 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 issue of the Subdivision Certificate.
42. The provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or a registered surveyor prior to the issue of a Subdivision Certificate.
43. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
  - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
  - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to marrying of levels and materials.
  - c. Any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing.
44. 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 - at no cost to Council.

45. Lot number/s 1 shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing trees, and additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by a qualified horticulturist. Tree planting shall be completed prior to release of the Certificate of Subdivision.
46. The 3 tree/s 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.
47. To preserve the following trees located on the adjoining property No. 40 Awatea Rd a minimum building setback of 4 metres shall be imposed along the northern boundary of Lot 2 extending 30 metres from the rear (western) boundary. No changes in soil levels, paving or drainage works are permitted except with the approval of Council.

Tree/Species

119 / *Syncarpia glomulifera* (Turpentine)

122 / *Syncarpia glomulifera* (Turpentine)

154 / *Eucalyptus crebra* (Narrow leafed Ironbark)

359 / *Eucalyptus crebra* (Narrow leafed Ironbark)

Note: The tree numbers refer to the numbers indicated on the Tree Site Analysis Plan by Footprint Green, dated 8th July 2004.

48. An amended Subdivision Plan indicating the building setback on Lot 2 shall be submitted to the Principal Certifying Authority for approval prior to the release of the Certificate of Subdivision.

#### BUILDING CONDITIONS

49. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - g. The completed structure prior to occupation.

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

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

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

50. 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.

**CARRIED UNANIMOUSLY**

74 **7th International Cities, Town Centres & Communities Conference**

File: S02217

To advise Council of the 7th International Cities, Town Centres & Communities Conference.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That any interested Councillors advise the Acting General Manager by 24 March 2006 if they wish to attend the 7th International Cities, Town Centres & Communities Conference.
- B. That the General Manager and/or appropriate staff also accompany elected representatives to the Conference.

**CARRIED UNANIMOUSLY**

75 **Analysis of Land & Environment Court Costs, 2nd Quarter ended  
31 December 2005**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the second quarter ended 31 December 2005, including appeals commenced, costs incurred by Council and outcomes.

**Resolved:**

(Moved: Councillors Hall/Lane)

That the analysis of Land & Environment Court costs for the second quarter of the financial year 2005/2006 be received and noted.

**CARRIED UNANIMOUSLY**

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

76 **Turramurra Centre Traffic Study**

File: S04037

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

**A Parr  
V Harris  
B Irwin**

The purpose of this report is to provide Council with further advice on the likely traffic generation associated with the preferred option for the redevelopment of the Turramurra Town Centre.

**Resolved:**

Moved: Councillors Ebbeck/Andrew

That the report be received and noted.

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

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

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

*(Moved: The Mayor, Councillor Malicki/Councillor Ryan)*

That Staff continue with planning, incorporating a road bridge within the DCP at this stage.

**Councillor Shelley withdrew  
& returned**

77 **5, 6, 7, 8 & 10 Sturt Place, 17 & 19 Memorial Avenue, 102 to 108 & 114 to 118 Killeaton Street, St Ives - Construction of Six Apartment Buildings including One Row of Townhouses Consisting of a Total of 223 Apartments, Basement Parking for 310 Vehicles & Strata Subdivision**

File: DA0221/05-2

Ward: St Ives

Applicant: Meriton Apartments Pty Ltd

Owner: Meriton Property Management Pty Ltd

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

**W Gordon**

**Councillor Ryan withdrew &  
returned during the address**

To determine development application No 221/05, which seeks consent for the construction of six apartment buildings and one row of townhouses consisting of 223 apartments, basement parking for 310 vehicles and strata subdivision.

**Resolved:**

(Moved: Councillors Hall/Lane)

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant deferred commencement development consent to DA 221/05 for the construction of six apartment buildings, including one row of townhouses, consisting of a total of 223 apartments, basement parking for 310 vehicles and strata subdivision into 223 lots on land at 5, 6, 7, 8 and 10 Sturt Place, 17 and 19 Memorial Avenue, 102-108 and 114-118 Killeaton Street, 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. In order to activate the consent, the Applicant shall obtain a resolution from Ku-ring-gai Council that it will consent to the relocation/ augmentation of the pipe

and easement(s) for drainage which currently burden the subject property. Council's Technical Services department will be responsible for preparing the necessary report to Council, subject to payment of the adopted fee for the preparation of such reports. A detailed hydraulic design for the new works is to be submitted with the application.

NOTE: The matters referred to in Schedule A must be completed to Council's satisfaction within two years from the date of this deferred commencement consent before the consent operates.

NOTE: It is the applicant's responsibility to check the title of the subject land to establish if the application is affected by any easements, covenants or restrictions on the use of the land that may affect the proposed structure.

This consent will be issued subject to conditions of approval as specified hereunder in Schedule B.

This consent shall be read in conjunction with the approved plans and specifications.

The following conditions specified in Schedule B are to be imposed.

#### SCHEDULE B

##### GENERAL CONDITIONS

*The issue of this consent does not permit any construction work to commence on the site until such time as a construction certificate has been obtained.*

*Detailed working drawings and specifications, which are consistent with the Development Consent and conditions, must be submitted for consideration of the issue of a construction certificate.*

*Alterations, modification or variations to this consent can only be effected where Council approves an application to modify the Consent under Section 96 of the Environmental Planning and Assessment Act.*

*This consent shall lapse and be void if the building work or use to which it refers is not physically commenced prior to the date of expiry of the consent.*

1. The development to be in accordance with Development Application No 252/05 and Development Application plans prepared by Group GSA Pty Ltd, reference numbered:

Drawing No:*04-134-0002-Issue 6 dated 7 November 2005*  
*04-134-003-Issue 2 dated 21 October 2005*  
*04-134-2001 Issue 13 dated 15 December 2005*  
*04-134-2002 Issue 17 dated 15 December 2005*  
*04-134-2003 Issue 14 dated 7 November 2005*  
*04-134-2004 Issue 9 dated 5 October 2005*  
*04-134-2005 Issue 7 dated 5 October 2005*  
*04-134-2006 Issue 6 dated 5 October 2005*  
*04-134-2007 Issue 8 dated 19 October 2005*  
*04-134-2008 Issue 5 dated 20 October 2005*

*04-134-3001 Issue 5 dated 20 October 2005*  
*04-134-3002 Issue 4 dated 27 September 2005*  
*04-134-3003 Issue 4 dated 27 September 2005*  
*04-134 –3004 Issue 5 dated 20 October 2005*  
*04-134-3005 Issue 4 dated 27 September 2005*  
*04-134-3006 Issue 5 dated 20 October 2005*  
*04-134-3007 Issue 5 dated 20 October 2005*  
*04-134-3008 Issue 5 dated 20 October 2005*  
*04-134-3009 Issue 5 dated 20 October 2005*  
*04-134-3010 Issue 5 dated 20 October 2005*  
*04-134-3011 Issue 5 dated 20 October 2005*  
*04-134-3101 Issue 4 dated 20 October 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. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. Compliance with the notations overdrawn on the consent plans.
11. 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.
12. 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.
13. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. 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.



15. 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.

16. 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.
17. 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 or Occupation Certificate.
18. 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.

19. 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.

20. 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.
21. The fence and footings shall be constructed entirely within the boundaries of the property.
22. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
23. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
24. 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.
25. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
26. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
27. 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.
28. 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.
29. 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.
30. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

31. 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.
32. 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, with a void space left for runoff storage purposes. If a BASIX Certificate demonstrating a Water score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those commitments.
33. 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.
34. 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.
35. 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.
36. 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.**
37. 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.

38. 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.
39. 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.
40. 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.
41. 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).
42. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the report prepared prior to commencement of excavation. Over the course of the works a qualified Geotechnical/ hydrogeological Engineer must complete the following:
  - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
43. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
44. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction 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, and shall pay particular attention to traffic control during school drop off and collection hours. 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.

45. 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.
46. 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.
47. Staging of trunk drainage diversion works must take place in the following sequence:
  1. Ku-ring-gai Council approves through resolution the relocation of the Council drainage easement through the site (in accordance with schedule A condition).
  2. Plans for the relocation of the pipeline are approved (under Schedule A) and stamped by Council Technical Services Department prior to commencement of **any** works within site (except demolition) and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.
  3. The new pipeline is installed by the Applicant in accordance with the approved drawings and any conditions required by Council and in conjunction with basement excavation works. A flowpath through the site is maintained during pipelaying works.
  4. The redundant Council drainage line is decommissioned and the new drainage line made operative.
48. The proposed development should be designed such that road traffic noise from Mona Vale Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met., the RTA recommends that Council applies the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr) and
  - Sleeping rooms: 35dB(A) Leq(9hr)
49. Off-street parking associated with the proposed development (including driveways, aisle widths, aisle lengths, ramp grades, parking bay dimensions sight distances and

loading bays etc) should be designed in accordance with AS 2890.1-2004, AS 2890.2-2002 and AS 2890.3.

50. All works associated with the development are to be at no cost to the RTA.
51. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
52. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
53. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
54. For safety purposes, depth markers shall be provided at both ends of the pool.
55. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
56. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
57. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

All existing trees located on site being retained

Time of inspection

Prior to demolition

At the completion of demolition

Prior to excavation works

At the completion of excavation works  
 Prior to the start of construction works  
 At monthly intervals during construction  
 At the completion of construction works  
 At the completion of all works on site

58. Landscape works shall be carried out in accordance with Landscape Drawing No DA-0435-03 and DA-0435-04, prepared by GSA and dated 20/01/06 submitted with the Development Application, except as amended by the following:
- An additional three native endemic tree species capable of attaining a minimum height of 13.0m is to be planted within the grassed area on the southern side of Block C between the Sturt Pl site frontage. The trees are to be spaced so that their mature canopies do not meet.
59. 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	Tree Works
#6231 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	3.0m
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#7618 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton Street site boundary	5.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	5.0m

60. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
61. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Corymbia maculata</i> (Lemon Scented Gum) Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m

#6327 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 <i>Chamaecyparis lawsoniana</i> (Cypress) Adjacent to southern site boundary in neighbouring property	5.0m
#5814 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5831 <i>Franklinia axillaris</i> (Gordonia) Adjacent to southern site boundary	3.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5472 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	2.0m
#5469 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5468 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m



Sturt Pl nature strip	
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	6.0m
Sturt Pl nature strip	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	6.0m
Sturt Pl nature strip	
#6054 <i>Banksia integrifolia</i> (Banksia)	3.0m
Adjacent to southeast site boundary	
#6055 <i>Cedrus deodar</i> (Himalayan Cedar)	10.0m
Adjacent to south-east site corner	
#6079 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush)	3.0m
Adjacent to south-east site corner	
#6080 <i>Michelia figo</i> (Port Wine Magnolia)	5.0m
Adjacent to south-east site corner	
#6082 <i>Camellia japonica</i> (Japanese Camellia)	4.0m
Adjacent to south east site corner	
#7798 <i>Ulmus parvifolia</i> (Chinese Elm)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7965 <i>Nyssa sylvatica</i> (Tupelo)	6.0m
Adjacent to north east/Killeaton St site boundary	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar)	7.0m
Adjacent to north-east/Killeaton St site boundary	
# 7616 <i>Nyssa sylvatica</i> (Tupelo)	7.0m
Adjacent to northern/Killeaton St site boundary	
#7617 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7618 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger)	5.0m
Adjacent to northern/Killeaton St site boundary	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5588 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5605 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5600 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5599 <i>Calodendron capense</i> (Cape Chestnut)	6.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5606 <i>Eucalyptus ficifolia</i> (Red Bloodwood)	6.0m
Adjoining north east site corner within neighbouring	

property (21 Memorial Ave)

62. No mechanical excavation for the approved residential flat buildings 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
#6231 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	4.0m
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-east site corner	12.0m
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north-east/Killeaton St site boundary	6.0m
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north-east/Killeaton St site boundary	8.0m
# 7616 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	8.0m
#7618 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	8.0m
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	7.0m

63. 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>Corymbia maculata</i> (Lemon Scented Gum) Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m
#6327 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 <i>Chamaecyparis lawsoniana</i> (Cypress) Adjacent to southern site boundary in neighbouring property	5.0m
#5814 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m

#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5831 <i>Franklinia axillaris</i> (Gordonia) Adjacent to southern site boundary	3.0m
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	5.0m
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5472 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	2.0m
#5469 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5468 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Sturt Pl nature strip	3.0m
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda) Sturt Pl nature strip	4.0m
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#6054 <i>Banksia integrifolia</i> (Banksia) Adjacent to south-east site boundary	3.0m
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south-east site corner	10.0m
#6079 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Adjacent to south-east site corner	3.0m
#6080 <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to south-east site corner	5.0m
#6082 <i>Camellia japonica</i> (Japanese Camellia)	4.0m

Adjacent to south-east site corner	
#7798 <i>Ulmus parvifolia</i> (Chinese Elm)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7965 <i>Nyssa sylvatica</i> (Tupelo)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar)	7.0m
Adjacent to north-east/Killeaton St site boundary	
# 7616 <i>Nyssa sylvatica</i> (Tupelo)	7.0m
Adjacent to northern/Killeaton St site boundary	
#7617 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7618 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger)	5.0m
Adjacent to northern/Killeaton St site boundary	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5588 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5605 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5600 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5599 <i>Calodendron capense</i> (Cape Chestnut)	6.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5606 <i>Eucalyptus ficifolia</i> (Red Bloodwood)	6.0m
Adjoining north-east site corner within neighbouring property (21 Memorial Ave)	

64. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
<i>Corymbia maculata</i> (Lemon Scented Gum)	5.0m
Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to southern site boundary	
#5493 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Sturt Pl nature strip	
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	

- |   |       |
|---|-------|
| #5482 <i>Camellia sasanqua</i> (Chinese Camellia)           | 5.0m  |
| Sturt Pl nature strip                                       |       |
| #5481 <i>Camellia sasanqua</i> (Chinese Camellia)           | 5.0m  |
| Sturt Pl nature strip                                       |       |
| #5478 <i>Camellia sasanqua</i> (Chinese Camellia)           | 3.0m  |
| Sturt Pl nature strip                                       |       |
| #5951 <i>Jacaranda mimosifolia</i> (Jacaranda)              | 6.0m  |
| Adjacent to southern/Sturt Pl site boundary                 |       |
| #5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) | 6.0m  |
| Sturt Pl nature strip                                       |       |
| #5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) | 6.0m  |
| Sturt Pl nature strip                                       |       |
| #6055 <i>Cedrus deodar</i> (Himalayan Cedar)                | 10.0m |
| Adjacent to south-east site corner                          |       |
| #7798 <i>Ulmus parvifolia</i> (Chinese Elm)                 | 6.0m  |
| Adjacent to north-east/Killeaton St site boundary           |       |
| #7965 <i>Nyssa sylvatica</i> (Tupelo)                       | 6.0m  |
| Adjacent to north-east/Killeaton St site boundary           |       |
| #7994 <i>Cedrus deodar</i> (Himalayan Cedar)                | 7.0m  |
| Adjacent to north-east/Killeaton St site boundary           |       |
| # 7616 <i>Nyssa sylvatica</i> (Tupelo)                      | 7.0m  |
| Adjacent to northern/Killeaton St site boundary             |       |
| #7617 <i>Nyssa sylvatica</i> (Tupelo)                       | 5.0m  |
| Adjacent to northern/Killeaton St site boundary             |       |
| #7618 <i>Nyssa sylvatica</i> (Tupelo)                       | 5.0m  |
| Adjacent to northern/Killeaton St site boundary             |       |
| #5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)  | 5.0m  |
| Adjacent to northern/21 Memorial Ave site boundary          |       |
65. 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.
66. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Killeaton St as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:
- | Tree Species                              | Quantity |
|---|----------|
| <i>Syncarpia glomulifera</i> (Turpentine) | 20       |
67. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Memorial Ave as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Syncarpia glomulifera</i> (Turpentine)	10

68. 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.
69. 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.

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

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

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

71. 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.
72. 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.

73. 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 209 ADDITIONAL DWELLINGS IS CURRENTLY \$3,595,480.20. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

74. 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.

#### 74A. 1. Demolition of a non-heritage item or not in a UCA

A report is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized consultants or other suitably qualified person who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

- All elevation of houses to be demolished and selected interiors.
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Copy of site Survey
- Sketches of the floor plans showing the location of the camera for each photograph.
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information but are not considered suitable for archival purposes.

75. 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).

- 75A. A 1.2m wide formed footway is to be provided through the site so as to create a pedestrian link between Sturt Place and Memorial Avenue. The footway is to remain publicly accessible between the hours of 6am and 9pm daily. The provision of the footway is not to compromise the minimum standard for deep soil planting, that is, deep soil planting must remain at least 50% of the site area.

Details of the footway are to be submitted to the Council prior to the release of the Construction Certificate.

76. 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.

77. 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.
78. 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.

79. 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 Council's Water Management DCP 47 (available on the Council website).
80. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for the proposed overland flow conveyance structures through the site. The plans, with all supporting documentation, are to be prepared by a

qualified and experienced civil/hydraulic engineer who shall recommend an appropriate design storm event (1:100 year storm as an absolute minimum) in order to reasonably protect all ground floor units from inundation over the life of the development. Inlet pits for the system on the upstream side of the basement must be located on common property.

81. 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. 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.
82. 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/ detention system. The minimum storage volumes and design s 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. If a BASIX Certificate demonstrating a Water score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those commitments. 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. Water quality measures to treat runoff from landscaped and paved areas are to be included. 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 in accordance with the Stormwater Plans, X04391, dated 22/12/05, by Brown Consulting submitted with the development application, and advanced as necessary for construction issue purposes.
83. 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. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004.

84. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned layout plan for all aspects of the vehicle access and accommodation arrangements. A qualified civil/traffic engineer must provide specific written certification with these parking layout plans that:
- All parking space dimensions, driveway and aisle widths, grades, transitions, circulation ramps, blind aisle situations and trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - A height clearance of 2.5 metres headroom requirement under DCP40 for waste collection trucks over the designated garbage collection truck manoeuvring areas.
  - No doors or gates are to be provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
  - The recommendations made by Masson Wilson Twiney in Appendix D of their report dated September 2005 have been incorporated into the design.
85. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#6231 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 <i>Chamaecyparis lawsoniana</i> (Cypress) Adjacent to southern site boundary in neighbouring property	5.0m
#5814 <i>Magnolia soulangeana</i> (Soul’s Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	4.0m
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	6.0m
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark) Sturt Pl nature strip	6.0m
#6054 <i>Banksia integrifolia</i> (Banksia) Adjacent to south-east site boundary	3.0m

#6055 <i>Cedrus deodar</i> (Himalayan Cedar)	10.0m
Adjacent to south-east site corner	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar)	7.0m
Adjacent to north-east/Killeaton St site boundary	
# 7616 <i>Nyssa sylvatica</i> (Tupelo)	7.0m
Adjacent to northern/Killeaton St site boundary	
#7617 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7618 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	

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

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

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

87. A CASH BOND/BANK GUARANTEE of \$29,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#6293 <i>Syzigium paniculatum</i> (Bush Cherry)	\$1,000.00
Adjacent to south west site corner	
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda)	\$2,000.00
Adjacent to southern site boundary	

#6255 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	\$1,000.00
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	\$1,000.00
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	\$1,000.00
#5482 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	\$1,000.00
#5481 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	\$1,000.00
#5478 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	\$1,000.00
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Sturt Pl site boundary	\$1,000.00
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	\$2,000.00
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark) Sturt Pl nature strip	\$2,000.00
#6055 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to south east site corner	\$4,000.00
#7798 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north east/Killeaton St site boundary	\$2,000.00
#7965 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to north east/Killeaton St site boundary	\$2,000.00
#7994 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to north east/Killeaton St site boundary	\$2,000.00
# 7616 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	\$2,000.00
#7617 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	\$2,000.00
#7618 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to northern/Killeaton St site boundary	\$2,000.00
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia) Adjacent to northern/21 Memorial Ave site boundary	\$1,000.00

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

88. Prior to the commencement of **any** excavation works the applicant must submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
- The type and extent of substrata formations by the provision of a minimum of three (3) representative bore hole logs which are to provide a full description of

all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.

- The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
- The existing groundwater levels in relation to the basement structure, where influenced.
- The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.

An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870–1996.

89. 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 following public infrastructure:

- Full road pavement width, including kerb and gutter, of Memorial Avenue and Sturt Place, and Killeaton/ Link Road eastbound over the site frontage, including full intersections.
- All driveway crossings and laybacks in Sturt Place.

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.

90. 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 the adjoining structures at 15a and 21 Memorial Avenue and 3 & 4 Sturt Place. The report must be completed by a consulting structural/geotechnical engineer. 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.
91. Prior to the commencement of any works on the site, a Phase 2 environmental assessment is to be carried out in accordance with the recommendation of New Urban Environmental in their report of 6 October 2004. The findings of the assessment are to be submitted to the Principal Certifying Authority and Council. If remediation is required to make the site suitable for residential development, then a Remediation Action Plan is to be prepared in accordance with the requirements of NSW EPA and Council's Contaminated Land Policy. Any remediation works

required are to be completed to the satisfaction of the Principal Certifying Authority prior to issue of an Occupation Certificate.

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 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.



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. 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.**
94. 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>Corymbia maculata</i> (Lemon Scented Gum) Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m
#6327 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	5.0m

#6231 <i>Syzigium paniculatum</i> (Bush Cherry)	2.0m
Adjacent to southern site boundary	
#5826 <i>Chamaecyparis lawsoniana</i> (Cypress)	5.0m
Adjacent to southern site boundary in neighbouring property	
#5814 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.0m
Adjacent to southern site boundary in neighbouring property	
#5813 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to southern site boundary	
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#5493 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Sturt Pl nature strip	
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to southern site boundary	
#5831 <i>Franklinia axillaris</i> (Gordonia)	3.0m
Adjacent to southern site boundary	
#5482 <i>Camellia sasanqua</i> (Chinese Camellia)	5.0m
Sturt Pl nature strip	
#5481 <i>Camellia sasanqua</i> (Chinese Camellia)	5.0m
Sturt Pl nature strip	
#5478 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Sturt Pl nature strip	
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern/Sturt Pl site boundary	
#5472 <i>Camellia sasanqua</i> (Chinese Camellia)	2.0m
Sturt Pl nature strip	
#5469 <i>Araucaria hetrophylla</i> (Norfolk Island Pine)	3.0m
Sturt Pl nature strip	
#5468 <i>Araucaria hetrophylla</i> (Norfolk Island Pine)	3.0m
Sturt Pl nature strip	
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Sturt Pl nature strip	
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Sturt Pl nature strip	
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark)	6.0m
Sturt Pl nature strip	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf paparebark)	6.0m
Sturt Pl nature strip	
#6054 <i>Banksia integrifolia</i> (Banksia)	3.0m
Adjacent to south-east site boundary	
#6055 <i>Cedrus deodar</i> (Himalayan Cedar)	9.0m

Adjacent to south-east site corner	
#6079 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush)	3.0m
Adjacent to south-east site corner	
#6080 <i>Michelia figo</i> (Port Wine Magnolia)	5.0m
Adjacent to south east site corner	
#6082 <i>Camellia japonica</i> (Japanese Camellia)	4.0m
Adjacent to south-east site corner	
#7798 <i>Ulmus parvifolia</i> (Chinese Elm)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7965 <i>Nyssa sylvatica</i> (Tupelo)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar)	6.0m
Adjacent to north-east/Killeaton St site boundary	
# 7616 <i>Nyssa sylvatica</i> (Tupelo)	6.0m
Adjacent to northern/Killeaton St site boundary	
#7617 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7618 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger)	4.0m
Adjacent to northern/Killeaton St site boundary	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)	4.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5588 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5605 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5600 <i>Melaleuca quinquenervia</i> (Braod leaf paperbark)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5599 <i>Calodendron capense</i> (Cape Chestnut)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	

95. 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.
96. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  1. Tree Protection Zone

2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
97. 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.
98. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular access or repeated pedestrian traffic is required:

Tree/Location	Radius in Metres
<i>Corymbia maculata</i> (Lemon Scented Gum) Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	5.0m
#6458 <i>Platanus x hybrida</i> (London Plane Tree) Adjacent to western site boundary	5.0m
#6327 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to western site boundary	5.0m
#6293 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to south-west site corner	9.0m
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	10.0m
#6255 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	5.0m
#6231 <i>Syzigium paniculatum</i> (Bush Cherry) Adjacent to southern site boundary	3.0m
#5826 <i>Chamaecyparis lawsoniana</i> (Cypress) Adjacent to southern site boundary in neighbouring property	5.0m
#5814 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to southern site boundary in neighbouring property	3.0m
#5813 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to southern site boundary	3.0m
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	5.0m
#5493 <i>Camellia sasanqua</i> (Chinese Camellia) Sturt Pl nature strip	3.0m
#5950 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m

Adjacent to southern site boundary	
#5831 <i>Franklinia axillaris</i> (Gordonia)	3.0m
Adjacent to southern site boundary	
#5482 <i>Camellia sasanqua</i> (Chinese Camellia)	5.0m
Sturt Pl nature strip	
#5481 <i>Camellia sasanqua</i> (Chinese Camellia)	5.0m
Sturt Pl nature strip	
#5478 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Sturt Pl nature strip	
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern/Sturt Pl site boundary	
#5472 <i>Camellia sasanqua</i> (Chinese Camellia)	2.0m
Sturt Pl nature strip	
#5469 <i>Araucaria hetrophylla</i> (Norfolk Island Pine)	3.0m
Sturt Pl nature strip	
#5468 <i>Araucaria hetrophylla</i> (Norfolk Island Pine)	3.0m
Sturt Pl nature strip	
#5791 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Sturt Pl nature strip	
#5792 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Sturt Pl nature strip	
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	6.0m
Sturt Pl nature strip	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	6.0m
Sturt Pl nature strip	
#6054 <i>Banksia integrifolia</i> (Banksia)	3.0m
Adjacent to south-east site boundary	
#6055 <i>Cedrus deodar</i> (Himalayan Cedar)	10.0m
Adjacent to south-east site corner	
#6079 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush)	3.0m
Adjacent to south-east site corner	
#6080 <i>Michelia figo</i> (Port Wine Magnolia)	5.0m
Adjacent to south-east site corner	
#6082 <i>Camellia japonica</i> (Japanese Camellia)	4.0m
Adjacent to south-east site corner	
#7798 <i>Ulmus parvifolia</i> (Chinese Elm)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7965 <i>Nyssa sylvatica</i> (Tupelo)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar)	7.0m
Adjacent to north-east/Killeaton St site boundary	

# 7616 <i>Nyssa sylvatica</i> (Tupelo)	7.0m
Adjacent to northern/Killeaton St site boundary	
#7617 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7618 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7584 <i>Pseudopanax lessonii</i> (Coastal Five Finger)	5.0m
Adjacent to northern/Killeaton St site boundary	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5588 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5605 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5600 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5599 <i>Calodendron capense</i> (Cape Chestnut)	6.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5606 <i>Eucalyptus ficifolia</i> (Red Bloodwood)	6.0m
Adjoining north-east site corner within neighbouring property (21 Memorial Ave)	

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

Tree/Location	Radius in Metres
<i>Corymbia maculata</i> (Lemon Scented Gum)	
Adjacent to western site boundary in neighbouring property (21 Memorial Ave)	
#6458 <i>Platanus x hybrida</i> (London Plane Tree)	
Adjacent to western site boundary	
#6327 <i>Syzigium paniculatum</i> (Bush Cherry)	
Adjacent to western site boundary	
#6293 <i>Syzigium paniculatum</i> (Bush Cherry)	
Adjacent to south-west site corner	
#6259 <i>Jacaranda mimosifolia</i> (Jacaranda)	

Adjacent to southern site boundary	
#6255 <i>Syzigium paniculatum</i> (Bush Cherry)	
Adjacent to southern site boundary	
#6231 <i>Syzigium paniculatum</i> (Bush Cherry)	
Adjacent to southern site boundary	
#5808 <i>Jacaranda mimosifolia</i> (Jacaranda)	
Adjacent to southern site boundary	
#5951 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to southern/Sturt Pl site boundary	
#5464 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	6.0m
Sturt Pl nature strip	
#5465 <i>Melaleuca quinquenervia</i> (Broad leaf Paperbark)	6.0m
Sturt Pl nature strip	
#6054 <i>Banksia integrifolia</i> (Banksia)	3.0m
Adjacent to south-east site boundary	
#6055 <i>Cedrus deodar</i> (Himalayan Cedar)	10.0m
Adjacent to south-east site corner	
#6079 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush)	3.0m
Adjacent to south-east site corner	
#6080 <i>Michelia figo</i> (Port Wine Magnolia)	5.0m
Adjacent to south east site corner	
#7798 <i>Ulmus parvifolia</i> (Chinese Elm)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7965 <i>Nyssa sylvatica</i> (Tupelo)	6.0m
Adjacent to north-east/Killeaton St site boundary	
#7994 <i>Cedrus deodar</i> (Himalayan Cedar)	7.0m
Adjacent to north-east/Killeaton St site boundary	
# 7616 <i>Nyssa sylvatica</i> (Tupelo)	7.0m
Adjacent to northern/Killeaton St site boundary	
#7617 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#7618 <i>Nyssa sylvatica</i> (Tupelo)	5.0m
Adjacent to northern/Killeaton St site boundary	
#5582 <i>Jacaranda mimosifolia</i> (Jacaranda mimosifolia)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5588 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5605 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Adjacent to northern/21 Memorial Ave site boundary	
#5600 <i>Melaleuca quinquenervia</i> (Braod leaf Paperbark)	5.0m
Adjacent to northern/21 Memorial Ave site boundary	

#5599 *Calodendron capense* (Cape Chestnut) 6.0m  
Adjacent to northern/21 Memorial Ave site boundary

100. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

101. 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.
102. 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 overland flow path conveyance infrastructure provisions on the site. The restriction on use shall be worded to prevent any future interference with the overland flow infrastructure provisions - to the written satisfaction of Council.
103. 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

104. 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.
105. 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).
106. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

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

107. 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.
108. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
109. The relocation of the Council stormwater pipeline is to be completed in accordance with the approved plans and any conditions imposed by Council. Works-as-executed drawings are to be prepared by a registered surveyor and the designing engineer is to certify that the works have been carried out in accordance with the

design. Council's approval of the works is to be obtained and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

110. Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A registered surveyor is to certify that the pipe is wholly contained within the easement.
111. 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 15a and 21 Memorial Avenue and 4 Sturt Place. The report must be completed by a consulting structural/geotechnical engineer. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
112. Prior to issue of an Occupation Certificate, the applicant shall submit to Council a follow-up dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:
  - Full road pavement width, including kerb and gutter, of Memorial Avenue and Sturt Place, and Killeaton/ Link Road eastbound over the site frontage, including full intersections.
  - All driveway crossings and laybacks in Sturt Place.

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.

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 prior to commencement of excavation, 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 crossings 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, turfed verge and upright kerb and gutter to the satisfaction of Council. 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.

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. 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, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

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 a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to address each of the following aspects of the installed overland flow conveyance infrastructure:
  - That the overland flow conveyance infrastructure through the site has been constructed to convey the design storm through the development site.
  - That the necessary overland flow inlet systems, cut-off structures, regrading of landscaped areas on the upstream and downstream sides of the basement structure are suitable to convey the overland flows through the site and back into the trunk drainage system downstream
  - That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of the suitable stormwater collection devices.
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.
- Size, depth and location of the overland flow path inlet pits, together with surface levels, invert levels and indicative grading levels in surrounding landscaped area.
- Location and dimensions of overland flow conveyance culverts through the basement structure.
- 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 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:

- 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
- The revisions to the vehicle access and accommodation arrangements necessary under this consent, shown on the relevant approved Construction Certificate drawings, have been constructed, 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.
  - The recommendations made by Masson Wilson Twiney in Appendix D of their report dated September 2005 have been incorporated.
120. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.
121. The applicant is to liaise with Council to arrange for the restriction of on street parking along the site frontage and for 20 metres to the south to maintain sight lines, as recommended in the report of the Traffic Generating Developments Committee. A report is to be prepared for the Ku-ring-gai Local Traffic Committee by Council's Strategic Traffic Engineer. All costs are to be met by the applicant. Signs are to be installed at the applicant's full expense prior to issue of the Occupation Certificate.
122. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
123. The trees to be retained shall be inspected, monitored and treated as required by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Documentary evidence of compliance with the required inspections and the work undertaken shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
124. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
125. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

#### 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.
127. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

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

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

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

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

*Against the Resolution:*              *Councillor Bennett*

78      **17 to 19 Powell Street & 4 to 6 Wallaroo Close, Killara - Demolition & Construction of Residential Flat Building (41 Units), Basement Car Parking, Landscaping & Strata Subdivision**

File: DA0939/05

Ward: Gordon

Applicant: A V Jennings Limited

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

**D Dreyfus**  
**L Hunt**

To determine development application No. 939/05 for demolition of existing structures and construction of a residential flat building containing 41 units, basement car parking, landscaping and strata subdivision.

**Resolved:**

(Moved: Councillors Lane/Ryan)

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant deferred commencement development consent to DA0939/05 for demolition and construction of a residential flat building, containing 41 units, landscaping & strata subdivision on land at 17 – 19 Powell Street & 4-6 Wallaroo Close, Killara, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

**SCHEDULE A**

1. Prior to the operation of the consent, the applicant is to obtain a resolution from Council to amend the terms of the drainage easement(s) through the downstream properties where necessary to permit the passage of private property runoff. This requires the preparation of a report by Council's Technical Services Department upon payment of the appropriate fee. The applicant may be required to confirm that the system has the capacity to accept flow from the development. Council's approval is not guaranteed. If approval is obtained, the applicant will be required to effect the amendment(s) at their own expense and in accordance with any conditions imposed by Council.
2. The applicant is to submit written consent from the owners of the downstream properties to grant a drainage easement or amend the terms of existing easements to permit the passage of runoff from all lots of the subject development. Documentary evidence that such consent has been obtained is to be submitted to Council.
3. To activate the consent, the applicant must submit evidence to Ku-ring-gai Council that the subject development site will have a legal means of stormwater drainage **as far as the point of discharge in the nearest downstream road reserve**. This is likely to consist of title and instrument documents for the downstream properties, 7 Wallaroo Close, 3 and 5A Lorne Avenue and 36 Culworth Avenue demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s). A written acknowledgment from Ku-ring-gai Council must be obtained attesting to this condition being satisfied.
4. The applicant is to submit certification from a suitably qualified and experienced civil/hydraulic engineer that:

- a. The existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory condition and
- b. The existing pipes to be utilised have hydraulic capacity to carry design flowrates and/or detention system overflows (where detention systems are to be provided) from the subject property as far as the approved point of discharge to the public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows from the approved development the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge. This design documentation shall be approved by Council prior to operation of the consent. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

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

## SCHEDULE B

### GENERAL

1. The development to be in accordance with Development Application No 939/05 and the following Development Application plans Nos:-
  - 2944\_DA\_03\_02 Site Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_18\_02 Level 4 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_17\_02 Level 3 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_16\_02 Level 2 Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_15\_02 level 1 Plan dated 24 November 2005 received 28 Nov 2005



- 2944\_DA\_14\_02 Ground Level Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_13\_02 Lower Ground Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_12\_02 Level B1 dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_11\_02 Level B2 dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_19-02 Roof Plan dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_32\_02 Sections dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA-31\_02 Sections dated 24 November 2005 received 28 Nov 2005
  - 2944\_DA\_21\_03 Elevations dated 24 November 2005 received 31 Jan 2006, &
  - 2944\_DA\_22\_03 elevations dated 24 November 2005 received 31 Jan 2006 all prepared by Nettletontribe Architects
  - Landscape Plan no. L0-5 Rev C prepared by Knox & Partners received on 28 Nov 2005
  - Landscape Plan no. L0-1 Rev H prepared by Knox & Partners received on 28 Nov 2005
  - Strata Plan no.
  - Schedule of external finishes 2944-DA-61-01 (with stone cladding finish for stairwells as featured in attachment D of statement of environmental effects Vol.A), 2944-DA-61-01
  - Strata subdivision plan sheets 1-10 prepared by Graham J Hall dated 5 August 2005 received at Council on 29 August 2005.
  - As amended by the Concept Plan (2944\_Sk-08, 2944\_Sk-09) received on 28/2/06 prepared by Nettletontribe dated 27/2/06.
2. All building works shall comply with the Building Code of Australia.
  3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
  4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
  5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
  6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
  7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy

and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

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

- a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. 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.
16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
17. 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.
18. 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.

19. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
20. 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.
21. 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.

22. 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.
23. 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.

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. 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.
33. 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.
34. 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.
35. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
36. 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.
37. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
38. Fire hoses are to be maintained on site during the course of demolition.
39. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
40. 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.
41. 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.
42. 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.
- 43. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 44. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
- 45. To maintain streetscape quality, the overall height of front fences is not to exceed 1.2m in height above footpath level with at least 50% transparency (eg. metal grille or timber picket type fences) or alternatively only 900mm in height for solid fences of masonry, brick etc.
- 46. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
- 47. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefitting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
- 48. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
- 49. 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.
- 50. 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.

51. 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.
52. 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.
53. 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.
54. 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.**
55. 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.



56. 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".
57. 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.
58. 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 car park preventing this service.
59. 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 Geotechnique (10650/1-AA), as well as the report of investigation carried out after demolition of the structures on the site, 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. Removal, or pruning of the following trees, is not approved as part of this Development Application:
- Tree/ Location
- #9a *Fraxinus excelsior* 'Aurea' (Golden Ash)  
Within Powell St front setback
- #19a *Platanus x hybrida* (London Plane)  
North-west site corner

#36 *Eucalyptus saligna* (Bluegum)  
Adjacent to south-west site boundary

#37 *Eucalyptus saligna* (Bluegum)  
Adjacent to south-west site boundary

#49 *Lophostemon confertus* (Brushbox)  
Eastern site boundary

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

Tree/location	Time of inspection
All existing trees located on site being retained.	<p>Prior to demolition</p> <p>At the completion of demolition</p> <p>Prior to excavation works</p> <p>At the completion of excavation works</p> <p>Prior to the start of construction works</p> <p>At monthly intervals during construction</p> <p>At the completion of construction works</p> <p>At the completion of all works on site</p>

62. To maintain the existing streetscape character of Powell St, the proposed substation and fire hydrant booster assembly is to be located within the Wallaroo Close street frontage.
63. The proposed southern detention/bio retention basin (BRB2) as shown on the Storm Water Management Plan is required to be located to take into consideration the location of tree #49 *Lophostemon confertus* (Brushbox) to ensure that excavation and regrading of the ground plane not adversely impact upon the tree's root system. In this regard it is required that BRB2 be located outside of the canopy drip line of tree #49.
64. 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  
#3 *Pinus patula* (Mexican Pine)

Powell St nature strip

#4 *Fraxinus oxycarpa* 'Raywood' (Claret Ash)

Powell St nature strip

#5 *Cupressus cashmeriana* (Kashmir Cypress)

#54 *Cupressocyparis leylandii* 'Leightons Green' (Leighton Green Cypress)

Powell St nature strip

65. 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
66. 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**

#9a <i>Fraxinus excelsior</i> 'Aurea' (Golden Ash) Within Powell St front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#11 <i>Ilex aquifolium</i> (Holly) Adjacent to eastern site boundary	3.5m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring property	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19 <i>Fraxinus oxycarpa</i> "Raywood" Wallaroo Cl nature strip	3.5m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	6.0m
#33 <i>Fagus sylvatica</i> (Copper Beech) South-west site corner	10.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site boundary	7.0m
#37 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south west site boundary	7.0m
#46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	4.5m

Adjacent to eastern site boundary

#49 *Lophostemon confertus* (Brushbox) 7.0m

Adjacent to eastern site boundary

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

Tree/Location	Radius From Trunk
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#36 <i>Eucalyptus saligna</i> (Bluegum)	9.0m
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Adjacent to south-west site boundary

#37 <i>Eucalyptus saligna</i> (Bluegum)	9.0m
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Adjacent to south-west site boundary

#49 <i>Lophostemon confertus</i> (Brushbox)	7.0m
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Adjacent to eastern site boundary

68. 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
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#9a <i>Fraxinus excelsior</i> 'Aurea' (Golden Ash)	4.5m
--	------

Within Powell Street front setback

#10 <i>Jacaranda mimosifolia</i> (Jacaranda)	8.0m
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Adjacent to eastern site boundary

#11 <i>Ilex aquifolium</i> (Holly)	3.5m
------------------------------------	------

Adjacent to eastern site boundary

#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress)	4.0m
--	------

Adjacent to eastern site boundary in neighbouring property

#13 <i>Liquidambar styraciflua</i> (Sweet Gum)	5.0m
--	------

Adjacent to eastern site boundary in neighbouring property

#14 <i>Liquidambar styraciflua</i> (Sweet Gum)	5.0m
--	------

Adjacent to eastern site boundary in neighbouring property

#19 <i>Fraxinus oxycarpa</i> "Raywood"	3.5m
--	------

Wallaroo CI nature strip

#19a <i>Platanus x hybrida</i> (London Plane)	6.0m
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North-west site corner

#33 <i>Fagus sylvatica</i> (Copper Beech)	8.0m
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South-west site corner

#34 *Melaleuca bracteata* (White cloud tree)  
South-west site corner 3.5m

#36 *Eucalyptus saligna* (Bluegum)  
Adjacent to south-west site boundary 7.0m

#37 *Eucalyptus saligna* (Bluegum)  
Adjacent to south-west site boundary 7.0m

#46 *Brachychiton acerifolius* (Illawarra Flame Tree)  
Adjacent to eastern site boundary 4.5m

#49 *Lophostemon confertus* (Brushbox)  
Adjacent to eastern site boundary 7.0m

69. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
#9a <i>Fraxinus excelsior</i> 'Aurea' (Golden Ash) Within Powell St front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring property	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	6.0m
#33 <i>Fagus sylvatica</i> (Copper Beech) South-west site corner	10.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m

#36 *Eucalyptus saligna* (Bluegum) 7.0m  
Adjacent to south west site boundary

#37 *Eucalyptus saligna* (Bluegum) 7.0m  
Adjacent to south west site boundary

#46 *Brachychiton acerifolius* (Illawarra Flame Tree) 4.5m  
Adjacent to eastern site boundary

#49 *Lophostemon confertus* (Brushbox) 7.0m  
Adjacent to eastern site boundary

70. 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.
71. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Powell St as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
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<i>Jacaranda mimosifolia</i> (Jacaranda)	6
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72. Following removal of the existing trees from Council's nature strip in Powell St, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
73. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/From/To

#'s 43, 45, 47 *Archontophoenix cunninghamiana* (Bangalow Palm)  
eastern site boundary at rear to southern site boundary adjacent to the bio retention basin (BRB1)

74. 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.
75. 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.
76. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works.

Plant Species

*Cinnamomum camphora* (Camphor laurel)

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

77. 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.

78. 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).
79. 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.
80. Prior to issue of the Construction Certificate, the construction of any required interallotment drainage system must be completed in full. The designing engineer

or equivalent professional engineer must supervise the works. At the completion of works, the following shall be submitted to the Principal Certifying Authority (PCA):

- a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and
  - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
  - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
81. 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.
82. 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.

83. 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.

84. 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 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.

85. 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.
86. 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 piping for the proposed swale on the western side of the building must also be strapped to the underground walls of the basement car park to reduce impacts for proposed landscaping.

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 Management Plan by Patterson Britton submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

87. 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.
88. 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.

89. 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.

90. To minimise adverse tree impacts and to maintain viability of deep soil landscape areas, it is required that the proposed stormwater pipes be strapped to the underground walls of the basement car park. Revised storm water layout plans satisfying this requirement are required to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.
91. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring property	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	6.0m
#33 <i>Fagus sylvatica</i> (Copper Beech) South-west site corner	8.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m

#36 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site boundary	7.0m
#37 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site boundary	7.0m
#46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.5m
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	7.0m

92. To preserve the following tree/s, footings of the proposed pedestrian access ramp 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
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m

93. The submitted landscape plan LO-5 prepared by Knox and Partners and dated 24/11/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The proposed drying area adjacent to the eastern (side) site boundary is to be relocated so that it has a minimum setback of 3.0m from the site boundary.
- Tree 19a *Platanus x hybrida* (London Plane Tree) located adjacent to the north-west site boundary is to be shown to be retained. Existing grades and ground levels beneath the canopy drip line are to be maintained. The proposed retaining wall beneath its canopy is required to be relocated and plant species amended to suit the retention of the tree.
- Tree 9a *Fraxinus excelsior* 'Aurea' (Golden Ash) adjacent to the northern site boundary within the Powell St frontage is to be retained. Existing grades and levels are to be maintained beneath the canopy drip line.

- Tree #49 *Lophostemon conferta* (Brushbox) located adjacent to the eastern site boundary is to be retained. Existing grades and levels beneath its canopy drip line are to be maintained.
- Shrub planting capable of attaining minimum heights of 4.0m is to be planted adjacent to the eastern site boundary for the length of the boundary.
- The palms to be transplanted are to be shown on plan.
- Proposed street tree planting as required within the Powell St nature strip are to be shown on plan.
- To maximise screening and privacy to upper levels, an additional *Eucalyptus saligna* (Bluegum) or *Eucalyptus pilularis* (Blackbutt) is to be planted within the street frontage to Wallaroo Cl north of the proposed pedestrian entry.
- The relocation of the proposed substation and fire hydrant booster assembly as required is to be shown on plan.
- A tall endemic tree species consistent with the Sydney Bluegum High Forest plant community is to be planted adjacent to the north east site corner where the substation and fire hydrant booster assembly was originally proposed.

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

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

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

95. A CASH BOND/BANK GUARANTEE of \$15,500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#9a <i>Fraxinus excelsior</i> 'Aurea' (Golden Ash) Within Powell St front setback	\$500.00

#19 <i>Fraxinus oxycarpa</i> “Raywood” Wallaroo Cl nature strip	\$1,000.00
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner	\$2,000.00
#33 <i>Fagus sylvatica</i> (Copper Beech) South-west site corner	\$2,000.00
#36 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site boundary	\$4,000.00
#37 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site boundary	\$4,000.00
#49 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary	\$2,000.00

96. A photographic record/report of the dwellings to be demolished (Nos. 17, 19 Powell Street & No. 6 Wallaroo Close) is to be submitted to and approved by Council’s Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified consultants who have knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

- Each elevation and selected interiors.
- Photographs of specific details nominated by Council.
- All structures on site such as sheds, outhouses and significant landscape features.
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph

- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

97. 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 38 ADDITIONAL DWELLINGS IS CURRENTLY **\$860,580.81**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 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

98. To provide for adequate privacy, the architectural plans must be amended prior to the release of the construction certificate to provide planter boxes (500mm min width) to the terraces of the following units:

- Eastern perimeter of the terrace to Unit L4-01
- Eastern perimeter of the terrace to Unit L3-01
- Eastern and northern perimeters of the terrace to Unit L3-02

- Eastern and southern perimeters of terrace to Unit L2 – 01 (reduced to 300mm width adjacent to dining room and Bedroom 1 to allow passage along the terrace)
99. A boundary fence (1.8m high) must be provided along the eastern and southern boundaries from the front building line in Wallaroo Close to the front building line in Powell Street to minimise overlooking into adjoining properties at the applicant's expense. The architectural plans must be amended accordingly prior to the release of the construction certificate.
100. An increased setback off Wallaroo Close for unit G - 06 as indicated in the Concept Plan submitted to Council, dated 28 February 2006 (Drawing No. 2944\_SK-08) must also be provided for the units above on Levels 1, 2, and 3 also changes to Unit No. L4 – 01 as indicated in Concept Plan No. 2944\_29-09. The architectural plans must be amended accordingly prior to the release of the construction certificate.
101. Five (5) of the proposed apartments are to be designed with accessible features for disabled persons, and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. *(Reason: To ensure equity of access and availability of accommodation in the future for an ageing population).*

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

102. 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.
103. 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.
104. Following demolition of the existing structures and prior to the commencement of any other works on the site, a supplementary geotechnical investigation is to be carried out. Boreholes are to be drilled to at least 1 metre below expected excavation depth. Recommendations are to be obtained for vibration monitoring



and excavation support. Works including inspections are to proceed in accordance with the recommendations of this report.

105. Following demolition of the existing structures and prior to the commencement of any other works on the site, further environmental sampling and testing is to be carried out in accordance with the recommendations made in the report by Geotechnique (10650/2-AA). Any works required as a result of further investigation are to proceed in accordance with the recommendations of the environmental consultant.
106. 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 structures at 21 Powell Street and 44 Culworth Avenue. The report must be completed by a consulting structural/geotechnical engineer. 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.
107. 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.
- Traffic controllers are to be located at the site frontage and also at the intersection of Powell Street and Wallaroo Close when construction vehicles are using Wallaroo Close for access, in order to control pedestrians and other traffic using Wallaroo Close.

**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.

108. 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.

109. 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 Wallaroo Close and Powell Street over the site frontage, including the full intersection.
- 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.

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

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

be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

111. 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
#9a <i>Fraxinus excelsior</i> 'Aurea' (Golden Ash) Within Powell St front setback	4.5m
#10 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	8.0m
#12 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary in neighbouring property	4.0m
#13 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#14 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern site boundary in neighbouring property	5.0m
#19 <i>Fraxinus oxycarpa</i> "Raywood" Wallaroo Cl nature strip	3.5m
#19a <i>Platanus x hybrida</i> (London Plane) North-west site corner (Pedestrian access to be maintained at all times)	6.0m
#33 <i>Fagus sylvatica</i> (Copper Beech) South-west site corner (Pedestrian access to be maintained at all times)	8.0m
#34 <i>Melaleuca bracteata</i> (White cloud tree) South-west site corner	3.5m
#36 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west site boundary	6.0m on northern side 8.0m elsewhere

- |   |      |
|---|------|
| #37 <i>Eucalyptus saligna</i> (Bluegum)<br>Adjacent to south-west site boundary                 | 7.0m |
| #46 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree)<br>Adjacent to eastern site boundary | 4.5m |
| #49 <i>Lophostemon confertus</i> (Brushbox)<br>Adjacent to eastern site boundary                | 7.0m |
112. 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.
113. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
114. 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.
115. Where vehicular or extended pedestrian access is required beneath the canopy drip line of existing trees to be retained, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy is installed.
116. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Radius in Metres

#19 *Fraxinus oxycarpa* “Raywood” 3.5m  
Wallaroo Cl nature strip

#33 *Fagus sylvatica* (Copper Beech) 10.0m  
South-west site corner

117. 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.
118. Due to the possibility of relics being contained within the site, during excavation works, the applicant must ensure that should any historical relics be uncovered, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the ‘Heritage Act, 1977’, the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

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

119. 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.
120. 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

121. 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.
122. 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).
123. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, that are to be common property, must be included as such on the final plans of strata subdivision with at least one (1) car space to be allocated to each two (2) bedroom unit and two (2) spaces to each three (3) bedroom unit.

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

124. 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.
125. Without further written Consent of Council the development is to comply with the following indices:
  - a. Maximum floor space ratio RATIO of 1.3:1
  - b. Maximum number of car parking spaces NO OF SPACES – 86 spaces
  - d. Minimum number of visitor car parking spaces NO OF SPACES - 11

- f. Maximum perimeter height of the building (not including the top storey) – 13.4m
- e. Minimum deep soil areas of 50% of site area

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with a. to e. above prior to occupation.

126. 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 repair of any footpath damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

127. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

128. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the



instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

129. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the water quality measures on the lot. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the water quality measures, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
130. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b) A copy of any works-as-executed drawings required under this consent
  - c) The Engineer's certification of the as-built system.

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

131. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
132. 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:
- a) That the as-constructed car park complies with the approved Construction Certificate plans,

- b) 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,
  - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - d) 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.
  - e) 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.
133. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - b) That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - c) That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
  - d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - e) That all grates potentially accessible by children are secured.
  - f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- 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.

134. 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.

135. 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.

136. 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 :

- a) According the relevant Australian Standards and guidelines, and
- b) According to any approved Geotechnical report undertaken for the development, and
- c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

137. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report by Geotechnique and the report prepared to satisfy another condition of this consent, 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.

138. 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:
- 21 Powell Street and 44 Culworth Avenue;
  - Full road pavement width, including kerb and gutter, of Wallaroo Close and Powell Street over the site frontage, including the full intersection.
  - All driveway crossings and laybacks 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. If a structure has been demolished in the meantime under a separate approval, then no follow-up survey is required.

139. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.
140. Documentary evidence of compliance with the thrust boring requirements as specified for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
141. Documentary evidence of compliance with the required arborist's reports and inspections to the principal certifying authority for the trees to be retained shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
142. 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.
143. 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.
144. The front entries in Powell Street and Wallaroo Close and the entry to the basement car park in Wallaroo Close must be fitted with a card operated security system (not

key operated) to achieve safety by design principles. Security lights must also be provided in communal garden areas to further enhance site security without causing a loss of amenity for adjoining properties as a result of unreasonable light spillage

## BUILDING CONDITIONS

145. 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.

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

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

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

147. 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.

148. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.

- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- h. A Registered Surveyor's Report confirming approved levels of the ground floor.
- i. A Registered Surveyor's Report confirming approved levels of the first floor.
- j. A Registered Surveyor's Reports confirming approved floor levels for all floors.
- k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

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

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

79

### **St Ives Centre Draft Local Environmental Plan - Review of Retail Floor Space**

File: S04019

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

**S Blaxland**

**Councillor Andrew withdrew & returned during the addresses**

**B Tall**

To present to Council a revised floor space provisions for the St Ives Shopping Village to be incorporated into the Draft Local Environmental Plan for the St Ives Centre prior to its exhibition.

#### **Resolved:**

(Moved: Councillors Hall/Lane)

That the Draft Ku-ring-gai (Town Centres) Local Environmental Plan be amended prior to exhibition to include the following floor space ratio development standards to apply to the St Ives Shopping Centre site as follows:

- i. Maximum Retail/Commercial – 1.6:1
- ii. Minimum Community Facilities – 0.07:1
- iii. Total Site – 2.29:1

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

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

**Councillors Ryan & Hall withdrew**

**Councillor Cross departed**

80 **Heritage Advisory Committee - Minutes**

File: S03816

For Council to receive and note the Minutes from the Heritage Advisory Committee meeting held 29 November 2005.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

- A. That Council receive and note the Minutes of the Heritage Advisory Committee meeting held 29 November 2005.
- B. That the Mayor write to former Committee Member, Zeny Edwards, thanking her for her contribution to the protection of heritage in Ku-ring-gai and for her work on Council.

**CARRIED UNANIMOUSLY by those present**

81 **Report on Catchment Analysis for Lane Cove Catchment & Combined Works Program**

File: S03875

To report findings of the analysis and planning for the Lane Cove River Catchment and seek endorsement of the Combined Drainage Capital Works Program 2006-2009.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

- A. That Council adopt the Consultant's recommendations 1 to 11 on catchment management issues and these be incorporated into the Management Plan.
- B. That Council provisionally adopt the prioritised 3 year rolling Drainage Capital Works Program identified for 2006/07 – 2008/09 with this list subject to the investigation and validation of items and the number of programs and amount allocated be reviewed by Council before the end of the Financial Year.
- C. That a review of the On Site Detention and Retention Policy to identify opportunities to investigate how this may affect the development of existing and future planning instruments across the LGA and specifically in relation to town centres upgrades.

**Councillors Hall & Ryan returned  
Councillor Shelley withdrew  
& returned**

**CARRIED UNANIMOUSLY**

*The following item was dealt with as a matter of urgency  
after a Motion to that effect was CARRIED UNANIMOUSLY  
and the Mayor ruled accordingly*

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING  
REGULATION**

82 **Private Certifier - Allegation of Intimidation**

Files: S02465, DA0475/05, DA0659/02-1

**Notice of Motion from Councillor T Hall dated 14 March 2006.**

I move:

- A. That the Minister for Planning be called on to provide legal protection under the Environmental Planning & Assessment Act or other relevant legislation for those property owners adjoining developments who makes a reasonable complaint pursuant to that Act about the conduct of the private/accredited certifier of that development, when they themselves become the subject of defamation proceedings by the certifier involved when the complaint is dismissed.

I further move:



- B. That Planning Minister Sartor be urgently requested to investigate this particular case of alleged intimidation of a complainant by an accredited certifier, the additional complaints against the certifier which were not proceeded with, and that the Council provide all the relevant files in the matter for this investigation.
- C. That the issue be raised as a motion at the LGA Conference.

**Resolved:**

(Moved: Councillors Hall/Ryan)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

83 **Public Addressing Council - Stipulate whether 'For' or 'Against' GB Item**

File: S02211

Question Without Notice from Councillor A Ryan

If practicable, and for the purposes of better meeting practice, could consideration be given to requiring members of the public who are addressing Council to stipulate whether they are speaking 'for' or 'against' any item of General Business?

**Answer by the Mayor**

We can't force them, I suppose but we can certainly re-enforce the question. Strengthen the question.

84 **Request for Tape Recording of Mayor's Comments in Relation to Amendment by Cr Ryan - St Ives Centre Draft LEP**

File: S02499

Question Without Notice from Councillor A Ryan

Could the Acting General Manager please issue each Councillor with a recording of the Mayor's comments in relation to my amendment to GB Item 12 of this evening's meeting?

**Answer by Acting General Manager**

If Councillor asks me to do so, I will Madam Mayor.

**Question by the Mayor**

It is a transcript. How would we go about it? I would imagine, given there is a cost involved, it is not a matter of just asking.

**Answer by Acting General Manager**

Madam Mayor, the only suggestion I may make is that I will give it to all Councillors.

**85 Queen Elizabeth Reserve - Trees**

File: S02946

Question Without Notice from Councillor M Shelley

Following questions raised by the 416 Group at their AGM last night, could the Director Open Space report back to Council, with a copy to be sent to the 416 Group, as to why the trees on Queen Elizabeth Reserve have been buried up to 500mm of fill in the remediation of the oval rather than the fill being located away from the trees? Concerns were raised as to the trees likely lifespan under these conditions.

**Answer by Director Open Space & Planning**

We have actually covered that in several reports that have come to Council. I want to just stress this because of the remediation of the site & it is the only way that we can, in fact, deal with the remediation & I will provide a short response for the 416 Group.

**86 Request Advice on Construction of Accessible Pedestrian Footbridge - Stage 2, Lindfield Town Centre**

File: S04350

Question Without Notice from Councillor M Shelley

Could the Director Technical Services & Director Open Space advise if the construction of an accessible pedestrian footbridge across Pacific Highway adjacent to the Lindfield Public School and the development of LEP194 sites is feasible and, if so, could this be considered in the Stage 2 of the Residential Development Strategy for Lindfield?

**Answer by Director Open Space & Planning**

We will take that request on board & I will consider it within the development of the Lindfield Town Centre.

**Question by the Mayor**

Mr Piconi, you agree with that?

**Answer by Director Technical Services**

Yes.

**87 Mrs Jennifer Anderson - Invite to Councillor Elect**

File: S04636

Question Without Notice from Councillor T Hall

As Councillor Elect, Jennifer Anderson is in the Chamber, may she be asked to join you, Madam Mayor & your colleagues at the conclusion of this meeting for introduction and, perhaps, refreshment with both us and the staff?

**Answer by the Mayor**

What a good idea. Mrs Anderson, would you join us afterwards.

*The Meeting closed at 11.15pm*

The Minutes of the Ordinary Meeting of Council held on 14 March 2006 (Pages 1 - 139) were confirmed as a full and accurate record of proceedings on 28 March 2006.

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Acting General Manager

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Mayor / Chairperson