

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 14 NOVEMBER 2006

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

Staff Present: 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)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

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.

Councillor J A Hall declared a pecuniary interest in Minute No KTC.20 - Woodbury Road East, St Ives (the subject site adjoins his property).

435 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Bennett/Shelley)

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

- C.1: **1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees -**
(Section 10A(2)(g) - Advice concerning litigation)
- C.2: **828 Pacific Highway, Gordon -** *(Section 10A(2)(c) - Information that would confer a commercial advantage)*
- B. That the attachment to the Analysis of Land & Environment Court Costs, 1st Quarter 2006/2007 in the Confidential Agenda Information be released to the Press & Public.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Lane)

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- C.1: **1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees -**
(Section 10A(2)(g) - Advice concerning litigation)
- C.2: **828 Pacific Highway, Gordon -** *(Section 10A(2)(c) - Information that would confer a commercial advantage)*

ADDRESS THE COUNCIL

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

P. Dobrijevic
M. Inglis
R. Bergin
R. Magee
H. Whitsed
P. Fisher
Fr K. Dalby

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: Minutes of Extraordinary Meeting of Council held Wednesday,
8 November 2006

Refer to Minutes of Ku-ring-gai Traffic Committee - Meeting held 26 October 2006 - Minute Numbers as stated in the Business Paper Agenda and in the Minutes document are incorrect. The wording should read Minutes numbered KTC.17 to KTC.20 instead of KTC.15 to KTC.18.

Refer GB.01 - 3, 5 & 8 Clydesdale Place, Pymble - Demolition of the Existing Dwellings & Construction of a New Residential Flat Building comprising 36 Units & Basement Car Parking for 67 Vehicles, as follows:

Attachment 2 - Correct Attachment showing Pymble Locality. The Attachment 2 to the Report, in the Business Paper is incorrect. It shows Gordon Locality instead of Pymble.

Memorandum by Director Development & Regulation dated 9 November 2006 - Report contains a typographical error on Page 1.

Refer GB.2 - 20 to 28 Turramurra Avenue, Turramurra - Demolition of the existing Structures & Construction of 38 Residential Units within Two Buildings - Memorandum by Director Development & Regulation dated 9 November 2006 re typographical error on Page 82 of the report.

Refer GB.3 - 27 Richmond Avenue, St Ives - Demolish Existing Dwelling & Construct New Dwelling - Memorandum by Director Development & Regulation dated 13 November 2006.

Refer GB.8: Commemorative Council Meeting - Report by Senior Governance Officer & the General Manager dated 13 November 2006

Councillors
Information: Relocation of Killara Croquet Club premises - Letter from Sandra Nori MP dated 19 October 2006

Answers to Questions Without Notice by Councillor Bennett from Council Meetings of 12 September 2006 - Community Land, St Ives & 26 September 2006 - Secret Garden in Pymble - Request Staff Clarify the Area - Memorandum by Manager Urban Planning dated 23 October 2006

Answer to Question Without Notice by Councillor Ryan from Council Meeting of 26 September 2006 - 35 Water Street & 64 Billyard Avenue, Wahroonga - DA for Seniors Living - Memorandum & Attachments by Acting Director Finance & Business dated 30 October 2006

Answer to Question Without Notice by Councillor Shelley from Council Meeting of 24 October 2006 - Blue Parallel Lines on Roads - Memorandum by Director Technical Services dated 30 October 2006

Answer to Question Without Notice by Councillor Malicki from Council Meeting of 17 October 2006 - Turfing at West Pymble Pool - Memorandum by Director Open Space & Planning dated 6 November 2006

CONFIRMATION OF MINUTES

436 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 24 October 2006
Minutes numbered 413 to 434

Resolved:

(Moved: Councillors Hall/Cross)

That Minutes numbered 413 to 434 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

437 Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 8 November 2006
Minutes numbered EMC.9 & EMC.10

Resolved:

(Moved: Councillors Malicki/Bennett)

That the Minutes of the Extraordinary Meeting of Council held 8 November 2006 be deferred to the next Ordinary Meeting of Council to allow the Councillors to read the document.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR438 **Meeting With Planning Minister**

File: S03621

I wish to report briefly to Council on the outcomes of a meeting last week between Planning Minister Frank Sartor and a delegation from Council comprising Deputy Mayor, Councillor Anita Andrew, General Manager, John McKee, Director Open Space & Planning, Steven Head and myself.

It was a very constructive meeting that covered a lot of important planning issues relevant to Ku-ring-gai.

Mr Sartor indicated he is happy to consider working with Council to achieve the best outcome for the future of the University of Technology, Sydney's Lindfield campus.

He told us he is fully aware of the site and its value as an educational facility and, made it clear he does not want to over-develop the site, which was very welcome news.

Mr Sartor also explained the Government's position on the possibility of taking over planning controls on the site by listing it as State significant.

I reiterated that Council is opposed to this option and is keen to keep discussing the site's future with the Minister and Department.

We updated the Minister on progress with our centre planning and also spoke about issues including the proposal to re-develop the former John Williams Hospital site in Wahroonga.

I raised the issue of obtaining a dual occupancy exemption for Council and the Minister reinforced his wish for Council to work with the Department in coming months to progress this issue.

The Minister also made an offer to Council to negotiate with his Department for the appointment of review panels for controversial planning sites. He believed that the advantage for Council to act in this manner was to ensure the panels would be able to operate locally and in collaboration with the Department.

Last week I also joined senior Council staff in meeting with the Director-General of the Planning Department, Mr Sam Haddad.

This was also a very constructive meeting that further advanced Council's efforts to continue improving relations with the Government.

Resolved:

That this Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

PETITIONS

439

Petition to Oppose Gordon Town Centre Draft Local Environmental Plan & Draft Development Control Plan - (Forty-Four [44] Signatures)

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File: S04096

"We, the undersigned, oppose the Draft Local Environment Plan and Draft Development Control Plan (S04096) for the Gordon Town Centre.

We object to the excessive development planned for the Gordon Valley and, in particular, Dumaresq Street. Specifically, we oppose the building of the new roads between McIntyre, Dumaresq and Moree Streets and the increase in the density of development to six storeys along those roads. This proposal will result in a significant loss of amenity (visual intrusion and loss of privacy) and a substantial increase in traffic levels (including large delivery vehicles) in what is a residential precinct."

Resolved:

(Moved: Councillors Lane/Ryan)

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

CARRIED UNANIMOUSLY

440

Petition Opposing Proposed Rezoning of Area between Pearson Avenue, Burgoyne & Mount William Streets, Gordon known as Precinct L – (One Hundred & Twenty-One [121] Signatures)

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File: S04096

"We, the undersigned residents of East Gordon Precinct, **strongly** oppose:

1. The proposed height of FIVE storeys for the five towers covering Precinct L.

2. The lack of stepdowns to integrate the development with the adjoining low rise residential areas.
3. The heritage home of 8 Pearson Ave being removed from heritage listing.
4. The lack of direct consultation with residents affected by this development with regard to our specific traffic and Open space needs.

The East Gordon Resident's Action Group requests the opportunity to meet on site with Councillors and Town Planners to discuss significant modifications to the DCP for Precinct L with regard to alternative building envelopes at lower heights and stepdowns to interface adjoining houses."

Resolved:

(Moved: Councillors Lane/Ryan)

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

CARRIED UNANIMOUSLY

441 **4 Glen Road, Roseville - New Double Carport - (Fifteen [15] Signatures)**

File: DA1178/04

"We, the undersigned, have reviewed the plans for the Development Application for a carport at 4 Glen Road.

We have no objections to the development and do not believe it will have an adverse impact on the streetscape."

Resolved:

(Moved: Councillors Shelley/Hall)

That the Petition be received and considered in conjunction with General Business Item No 4.

CARRIED UNANIMOUSLY

**Councillor Hall declared a pecuniary interest
in respect of the following item -
KTC.20 - Woodbury Road East, St Ives
and withdrew from the Chamber taking no part
in discussion and voting on the item**

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

File: S02110

Meeting held 26 October 2006

Minutes numbered KTC17 to KTC20

442

General Matter Items under Delegated Authority

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File: S02738

Vide Minute No KTC17

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Cross)

That the information regarding traffic facilities approved in August, September and October 2006 be noted.

CARRIED UNANIMOUSLY

443

General Matter - Wahroonga Village Fair

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File: S02454

Ward: Wahroonga

Electorate: Ku-ring-gai

Vide Minute No KTC18

To consider a proposal to conduct the annual Wahroonga Village Fair on Sunday, 3 December 2006.

Resolved:

(Moved: Councillors Lane/Cross)

That Council approve the Wahroonga Village Fair 2006 and not object to the temporary closures of Railway Avenue, part of Redleaf Lane, Station Lane between Railway Avenue and Coonanbarra Road, and the use of the north and south-western

portion of Council car park (CP 26), except spaces 20 and 21, on Sunday, 3 December 2006 between 5.00am and 8.00pm, subject to:

1. The Roads and Traffic Authority approving the Traffic Management Plan prepared by Council on behalf of the Wahroonga Chamber of Commerce.
2. The Wahroonga Chamber of Commerce fully implementing the Roads and Traffic Authority-approved Traffic Management Plan to alleviate traffic congestion during the event and to address the traffic impacts that may result from the proposed road closures. An additional 'Road Closed Ahead' sign is to be erected in Ada Avenue on the approach to the intersection with Pacific Highway.
3. The closures being advertised by Council as required by Section 116 of the Roads Act 1993 and no substantial objections to the proposal which cannot be addressed, being received by the closing date of the advertising, subject to the Wahroonga Chamber of Commerce paying Council's fee of \$1,248 for advertising and processing the road closure application.
4. The Applicant providing and maintaining all necessary signs, barricades and all other safety equipment at its expense to properly effect the changed traffic conditions.
5. The Applicant confirming in writing to Council that it has liaised with the local emergency services regarding occupation of Railway Avenue and other locations, and that such occupation be approved by the emergency services, and that an emergency access corridor be left available during the Fair, in case of an emergency.
6. The Applicant providing Council with details of liaison with the Police Local Area Commander Ku-ring-gai and the State Emergency Service in regard to providing an adequate number of suitable identifiable personnel to control all approved road closures and changed traffic conditions and that these personnel be responsible for monitoring the closures and providing vehicular access to emergency vehicles and residents if such access is required.
7. The Wahroonga Chamber of Commerce liaising with Council's relevant Director in regard to sanitation provisions, the provision of adequate rubbish receptacles and cleaning of the area at the conclusion of the event and any other requirements. The applicant is advised that costs associated with the provision of those services will apply.
8. Provision of details and locations of any proposed advertising banners to Council for prior approval.
9. Signs being installed on Pacific Highway indicating "Railway Avenue will be closed between Coonanbarra Road and Redleaf Avenue on Sunday, 3 December 2006 for the Wahroonga Village Fair". These signs are to be erected two weeks before the Fair at locations approved by the Roads and Traffic Authority and on

the day of the Fair the words "will be" on the signs are to be covered or removed.

10. Banners may be used in Railway Avenue (but not on Pacific Highway) instead of signposting, to advise motorists of the proposed closure of Railway Avenue, subject to that part of the banners having 150mm black lettering on yellow background reading "Railway Avenue closed to traffic on Sunday, 3 December 2006 for the Wahroonga Village Fair".
11. Banners or signs being installed a minimum of two weeks prior to the closure, and that they be properly maintained during the period leading up to the Fair.
12. Any activity associated with the Fair, including stalls, not occupying Railway Avenue beyond the respective building alignments at Coonanbarra Road and Redleaf Avenue and not obstructing pedestrian crossing in any way.
13. That 'No Parking' restrictions be imposed on the south-western side of Woodville Avenue for the length of the existing weekday restrictions, between Redleaf Avenue and No. 18 Woodville Avenue on Sunday, 3 December 2006 with the Wahroonga Chamber of Commerce obtaining, installing and maintaining appropriate "Clip-on" signs to advise motorists of this alteration.
14. That the Wahroonga Chamber of Commerce be permitted to occupy the north and south-western portions of Council's car park (CP 26) off Coonanbarra Road in conjunction with the Fair, excepting spaces 20 and 21, and that only the south-eastern portion of the car park be allowed for parking on the Fair day. Access to this portion be obtained from the eastern end of Redleaf Lane, off Redleaf Avenue.
15. Council's Regulatory Officer visiting the site throughout the day to ensure Council's conditions of approval are being observed.
16. Council's Regulatory Services provide a written report to the Director Technical Services within 30 days of the Fair on the impact of the Fair on traffic, access, parking and pedestrian movements in the vicinity of the event.
17. The concurrence of the Local Area Commander Ku-ring-gai for RTA approved marshals to be on duty on the Coonanbarra Road and Redleaf Avenue pedestrian crossings at all times during the Fair and at any other locations in the closure area to supervise pedestrians and to ensure that Fair activities are kept clear of the crossings.
18. The Wahroonga Chamber of Commerce supply 20 million dollars public liability insurance cover, naming Ku-ring-gai Council as principal. A certificate of currency is to be sighted by Council's Director Technical Services or his delegate before the event will be approved.

19. The Wahroonga Chamber of Commerce responds in writing to Council by 17 November 2006, regarding the acceptance of Council's conditions for conducting the Wahroonga Village Fair.

CARRIED UNANIMOUSLY

444 **Greengate Lane, Killara**

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File: 88/05502/03

Ward: Gordon
Electorate: Ku-ring-gai
Vide Minute No KTC19

To further consider a proposal for one-way traffic flow in Greengate Lane.

Resolved:

(Moved: Councillors Lane/Cross)

That one-way traffic flow (westerly) in Greengate Lane be implemented, subject to the Roads and Traffic Authority's approval of Council's Traffic Management Plan for the Greengate Precinct.

CARRIED UNANIMOUSLY

445 **Woodbury Road East, St Ives**

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File: 88/06240/03

Ward: St Ives
Electorate: Ku-ring-gai
Vide Minute No KTC20

To consider the need for a median strip in Woodbury Road, outside the driveway access of 317 to 321 Mona Vale Road.

Resolved:

(Moved: Councillors Lane/Cross)

That Council note that a median island opposite the development driveway of 317 to 321 Mona Vale Road is not considered necessary.

CARRIED UNANIMOUSLY

Councillor Hall returned

GENERAL BUSINESS

446 **3, 5 & 8 Clydesdale Place, Pymble - Demolition of the Existing Dwellings & Construction of a New Residential Flat Building comprising 36 Units & Basement Car Parking for 67 Vehicles**

File: DA0301/06-2

Ward: St Ives

Applicant: Berry Street Properties Pty Ltd

Owners: W & E King, K & M Mallin and M Stackpool

To determine development application No 301/06, which seeks consent for the demolition of 3 residential dwelling houses and construction of a residential flat building, comprising 36 units and basement car parking for 67 cars.

Resolved:

(Moved: Councillors Hall/Bennett)

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

THAT the Council, as the consent authority, is of the opinion that the objections under *State Environmental Planning Policy No. 1 – Development Standards* to Clauses 25I(7) and 25L(2) of the Ku-ring-gai Planning Scheme Ordinance are well founded. The Council is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the two storey element addresses the adjoining heritage item (Colinrobie) and the additional top floor area will result in minimal change in the visual impact of the development. The setback of the development to the railway line is considered acceptable, having no impact beyond the site.

AND

THAT the Council, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA 301/06 is consistent with the aims of the Policy, grant development consent to DA 301/06 for a residential flat building on land at 3, 5 and 8 Clydesdale Place, Pymble, 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 identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev.	Description	Author	Dated	Lodged
DA-101	E	Basement 3 Plan	Reservoirs Arch	16/10/2006	18/10/2006
DA-102	E	Basement 2 Plan	Reservoirs Arch	16/10/2006	18/10/2006
DA 103	E	Basement 1 Plan	Reservoirs Arch	16/10/2006	18/10/2006
DA 104	D	Ground Floor Plan	Reservoirs Arch	28/7/2006	1/08/2006
DA 105	D	Level 1 Floor Plan	Reservoirs Arch	28/7/2006	1/08/2006
DA 106	E	Level 2 Floor Plan	Reservoirs Arch	16/10/2006	18/10/2006
DA 107	E	Level 3 Floor Plan	Reservoirs Arch	16/10/2006	18/10/2006
DA-108	E	Level 4 Floor Plan	Reservoirs Arch	16/10/2006	18/10/2006
DA-201	E	North and South Elev.	Reservoirs Arch	16/10/2006	18/10/2006
DA-202	E	East and West Elev.	Reservoirs Arch	16/10/2006	18/10/2006
DA-301	B	Sections AA & BB	Reservoirs Arch	30/10/20006	31/10/2006
DA-302	B	Sections CC & DD	Reservoirs Arch	30/10/20006	31/10/2006
No.1set 1	A	Landscape Plan	Ian Jackson Pty Ltd	7/8/2006	14/8/2006
DA 502	E	Compliance Diagram	Reservoirs Arch	8/8/2006	14/8/2006

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. Should an electrical substation need to be established on the premises and an area to satisfy Energy Australia's conditions for an electrical substation, such area shall not reduce the deep soil area proposed.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
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. 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.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

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

19. A photographic record of the three (3) dwellings which are to be demolished, the general streetscape in this area of Clydesdale Place and the vegetation on site is to be submitted to Council's Heritage Advisor for archival purposes, prior to the issue of the Construction Certificate.
20. 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.
21. 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.

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

23. 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.
24. 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.
25. 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.
26. 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.
27. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
28. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
29. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
30. Removal, or pruning of the following trees is not approved as part of this Development Application. A tree report prepared by Stuart Pittendrigh, dated February 2006, has been submitted. Tree numbers refer to this report.

Tree/ Location

Corymbia citriodora (Lemon Scented Gum) Tree 1

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

Tree/Location	Tree Works
<i>Thuja sp.</i> (Arborvitae) Tree 2	Removal
<i>Camellia sasanqua</i> (Chinese Camellia) Tree 6	Removal
<i>Pinus radiata</i> (Monterey Pine) Tree 7	Removal
<i>Hymenosporum flavum</i> (Native Frangipani) Tree 9	Removal
<i>Glochidion ferdinandi</i> (Cheese tree) Tree 11	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 16	Removal
<i>Acer palmatum</i> (Japanese Maple) Tree 17	Removal
<i>Acer palmatum</i> (Japanese Maple) Tree 18	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 19	Removal
<i>Cornus florida</i> (Dogwood) Tree 20	Removal
<i>Phoenix canariensis</i> (Canary Island Palm) Tree 21	Removal
<i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 30	Removal

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

Tree/Location
<i>Fraxinus oxycarpa</i> (Desert Ash) Tree 14
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 15

33. 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
34. 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 citriodora</i> (Lemon Scented Gum) Tree 1	8m

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

Tree/Location	Radius From Trunk
<i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 1	8m

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

Tree/Location	Radius From Trunk
<i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 1	8m

37. 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.
38. To preserve the health and condition of the following trees, all activities, including fencing, excavation and root pruning, within the primary root zone of the following trees, shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
Corymbia citriodora (Lemon Scented Gum) Tree 1
39. 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
Magnolia x soulangiana (Magnolia) Tree 13
40. 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.
41. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works
- Plant Species
Asparagus densiflorus (Asparagus Fern)
Cotoneaster sp. (Cotoneaster)
Hedera helix (English Ivy)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Phyllostachys sp. (Rhizomatous Bamboo)
Lantana camara (Lantana - Pink Flower)
Tradescantia albiflora (Wandering Jew)
Chlorophytum comosum (Spider Plant)
42. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Council's Water

Management Development Control Plan 47, available in hard copy at Council and on the Council website.

43. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
44. 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.
45. It is the Applicants and contractors full responsibility to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
46. No part of the building (including overhangs and footings) shall encroach over any easement and no loadings shall be imposed to the utilities within any easement.
47. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.
48. 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.

49. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
50. 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.
51. 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.
52. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
53. 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.

54. 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.
55. 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".
56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. 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.
58. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. 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 report 19902Vrpt by Jeffery and Katauskas, the report to be submitted prior to commencement of works 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.

59. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/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.
60. To ensure minimal environmental impacts all works are to be carried out in accordance with the commitments set out in **BASIX Certificate Number 63748M** lodged with this application.

RailCorp Conditions

61. The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
62. The applicant shall request service searches from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp services are identified, the Applicant must discuss and agree with RailCorp how these services are to be accommodated in the development.
63. Prior to the commencement of works and prior to the issue of the occupation certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of the existing damage and enable any deterioration during construction to be observed. The submission of detailed dilapidation reports may be required as a result.
64. The applicant has responsibilities for future occupants of the development in that they will encounter rail related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect the residential amenity and comfort, and jeopardise the safety of buildings and must be addressed fully by the applicant in all stages of the development. The applicant to refer to the following RailCorp document:

Guidelines for applicants - consideration of rail noise and vibration in the planning/construction process

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

66. The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents, and measures that will be taken to control the risk. The applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the senior Electrolysis Engineer or nominated Electrolysis Section personnel.
67. The Applicant shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design and details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.
68. If the applicant needs track/corridor possession for construction they will need to refer to the Rail Corridor Management Group (RCMG) for further details.
69. A Risk Assessment/Management Plan and detailed Safe Work Method Statement (SWMS) for the proposed works are to be submitted to RailCorp for review and comment prior to the works commencing on site. It should be noted that RailCorp's representative may impose conditions of the methods to be used and require the provisions of on-site Safe Working supervision for certain aspects of the works.

Should, according to RailCorp's representatives, any unforeseen risks to infrastructure become apparent (e.g. falling material) the Applicant/Contractor will be required to submit information relating to the attenuation of that risk for approval by RailCorp's representative.

The use of any crane, plant or machinery shall comply with the RIC electrical safety manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor

No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.

No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.

No plant or vehicle is permitted to encroach the ballast shoulder without prior arrangements by authorised persons to ensure no impact will occur to rail infrastructure e.g. signal sighting, safety signage, emergency access.

No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure e.g. signal sighting, safety signage, emergency access.

70. As large-scale excavation is involved, the applicant is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this is to be submitted to Rail Corp for review prior to the commencement of works.

Details of any proposed piling, sheet piling, batter and anchors should be provided to Rail Corp for review and comment prior to work commencing. RailCorp may require the removal of such construction sites.

71. The developer is required to submit to RailCorp a plan showing all craneage and other aerial operations for the development prior to construction.
72. During all stages of the development, environmental legislation and regulations will be complied with.

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

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

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

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

74. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Access Deed has been entered into with RailCorp. The Applicant is required to approach RailCorp to determine whether such a deed is required. It should be noted that the cost of supervision, design checks, meetings, approvals and service searches is to be borne by the Applicant.

Should the applicant require access to the rail corridor prior to entering into a rail deed, the Applicant is required to enter into a release and indemnity agreement, which will cover all railway parties from any possible claims whilst

the Applicant is carrying out any work within or adjacent to any railway corridor.

All works are to be carried out in accordance with railway Safeworking rule and regulation, including the network rules and procedures. It should be noted that RailCorp's representatives might impose conditions on the method to be used and require the provision of on-site Safeworking supervision for certain aspects of the works.

75. To improve the comfort of future occupants, the landscaping and fencing in the plan should be designed to screen wires of the rail tracks and reduce exposure to passing trains.
76. The current fencing separating this development from the rail corridor is to be replaced with a 2 metres high fence at the developer's cost. Details of the type of fencing and the method of erection are to be submitted to RailCorp for review and comment prior to the fencing work being undertaken. RailCorp will provide supervision for the erection of the new fencing.
77. The developer must provide a plan of future maintenance activities that will require access to RailCorp's Facilities. This plan will be reviewed by RailCorp to ensure that continued access to RailCorp's Facilities by RailCorp is not impeded and that the proposed maintenance activities can be supported.

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

78. 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.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF THIRTY ONE (31) ADDITIONAL DWELLINGS IS CURRENTLY \$584,711.40. 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 - Lindfield	\$8,223.35
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

82. 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.

83. 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
<i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 1	8m

84. The submitted landscape plan dwg no. 1 of set 1 Rev. A prepared by Ian Jackson Landscape Architect, dated 7/08/06 and lodged with Council on 14/8/2006 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:

- All proposed stormwater pits, grates and tanks to be shown on Landscape Plan.
- Proposed location of transplanted *Magnolia x soulangiana* (Magnolia) Tree 13 to be indicated on Landscape Plan in accordance with arborist recommendations.

85. To preserve the following tree, the stormwater pits and pipes are not to be located within the specified radius. The amended plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

Tree/Location	Radius From Trunk
<i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 1	4m

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

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

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

87. A CASH BOND/BANK GUARANTEE of \$5000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value (\$)
<i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 1	\$5000.00

88. 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.
89. 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.

90. 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.

91. 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.

92. 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.
93. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
 - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
 - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plan 205126 H1 to H3 Issue B by Demlakian

Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

94. 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.
95. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

96. 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.
97. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding the proposed driveway, 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 citriodora</i> (Lemon Scented Gum) Tree 1	8m

98. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
99. 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.
-
100. 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.
 101. 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.
 102. Following demolition of the residences, but prior to commencement of bulk excavation, additional geotechnical investigation is to be carried out as recommended in the report by Jeffery and Katauskas, 19902Vrpt. The report of this investigation is to include recommendations for vibration monitoring, dilapidation survey and excavation support. The report is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed.
 103. Prior to the commencement of any 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 1202 Pacific Highway and 6 Clydesdale Place (unless already demolished under a separate approval). The report must be completed by a consulting structural/geotechnical engineer. 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.
 104. 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 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 and if not possible, an estimate of the number of on- street parking spaces necessary and an alternative legal on-street location for employee parking.

Traffic Control Plans for the project

- All traffic control plans are to be prepared by a person accredited 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. Routes for construction vehicles travelling south, or approaching the site from the north are to be indicated

- Light traffic roads and those subject to a load or height limit must be avoided unless otherwise approved.
- 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.

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.

105. To maintain access in Clydesdale Place and Reservoir Road, the applicant is to install “No Parking” signs along both sides of Clydesdale Place (including turning circle) and on the western side of Reservoir Road (from Pacific Highway up to the northern Boundary of No. 11 Reservoir Road) which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Clydesdale Place, the maintenance and subsequent removal of the signs would be carried over to the other developer.
106. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the ‘Work Zone’. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the ‘Work Zone’ is resolved by the Committee, the necessary ‘Work Zone’ signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
107. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- Full road pavement width, including kerb and gutter and verge, of Clydesdale Place.
 - Intersection of Pacific Highway and Clydesdale 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.
108. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The

Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

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

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

109. 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.
110. 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.

111. 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.
112. 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.
113. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
 - New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
 - Construction of footpath for the Havilah Road frontage of the development.

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.

114. 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.

115. 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.
116. Prior to issue of a final Occupation Certificate, an easement for waste collection must be created. 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.
117. 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.
118. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
119. 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.
120. 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 BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c) That retained water is connected and available for the uses specified on the BASIX Certificate.
 - 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, particularly adjacent of council’s drainage easement.**

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.
121. 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.
122. 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.
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit for approval by the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced civil engineer, that:
- a. Footings, and any required permanent excavation or drainage easement support, have been constructed in accordance with the conditions of this Consent relating to footings and excavation adjacent to drainage easements and/or drainage pipes, and
 - b. Footings allow for complete future excavation over the full width of the easement to a depth of the invert of the pipe, without the need to support or underpin the subject structure.

A copy of the certificate must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

124. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a registered surveyor that no structures are located over the existing drainage pipeline and/or easement traversing the subject property. A copy of the certification must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.
125. Prior to issue of the Occupation Certificate a suitably qualified and experienced geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
- According the relevant Australian Standards and guidelines, and
 - According to any approved Geotechnical report undertaken for the development, and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
126. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers, subsequent report(s), 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.
127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed including:
- Full road pavement width, including kerb and gutter and verge, of Clydesdale Place.
 - Intersection of Pacific Highway and Clydesdale Place.
 - Structures at 1202 Pacific Highway.
 - Residence at 6 Clydesdale Place (unless already demolished).

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.

BUILDING CONDITIONS

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

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

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Retaining walls and associated drainage.

129. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

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

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

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

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

CARRIED UNANIMOUSLY

447 **Investment & Loan Liability as at 30 September 2006**

File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for September 2006.

Resolved:

(Moved: Councillors Hall/Ryan)

That the summary of investments and loan liabilities for September 2006 be received and noted.

CARRIED UNANIMOUSLY

448 **Tender for General Stationery, Paper, Toners & Envelopes**

File: S03845

To seek Council's approval to accept the NSROC tender for general stationery and paper for the period 2006/2009.

Resolved:

(Moved: Councillors Hall/Shelley)

- A. That the tender submitted by Complete Office Supplies for general stationery and paper for the period 2006/2009 be accepted.
- B. That the tenderers be advised of Council's decision.
- C. That authority be given to the Mayor and General Manager to affix the Common Seal of the Council to the Contract for general stationery and paper.

CARRIED UNANIMOUSLY

449 **4 Glen Road, Roseville - New Double Carport**

File: DA1178/04

Ward: Roseville

Applicant: Charles Drummond

Owners: Charles & Diana Drummond

To review the refusal of development application No 1178/04, which sought consent for the construction of a double carport and front fence. This application has been called to Council by Councillor Shelley.

Resolved:

(Moved: Councillors Lane/Shelley)

Pursuant to Section 82(A) of the Environmental Planning and Assessment Act, 1979.

THAT Council, as the consent authority, having considered the application for review of its determination, approve the Section 82A Review to Development Application No 1178/04 for a detached double carport on land at 4 Glen Road, Roseville, as shown on plans referenced Drawing No. A/01/B, dated 8 November 2004, drawn by T H West, and grant development consent for a period of 2 years from Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1178/04 and Development Application plans prepared by TH West, reference number A01-B, dated 8 November 2004 and lodged with Council on 20 July 2006.
2. The construction shall comply with AS3959 Level 1 'Construction of Buildings in bushfire prone areas.'
3. All building works shall comply with the Building Code of Australia.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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

10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
15. 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.
16. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Species /Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) / Front boundary	4m

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

Species /Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) / Front boundary	4m

18. To preserve the following tree, any works carried out within the specified distance shall be carried out in accordance with Section 4 of the arborists report by Landscape Matrix Pty Ltd dated 17 July 2006.

Species /Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) / Front boundary	4m

19. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
20. 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.
21. 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.**
22. 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.
23. The carport structure, including footings shall be constructed entirely within the boundaries of No.4 Glen Road, Roseville.

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

24. 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).

25. 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.
26. 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.
27. 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.

28. A CASH BOND/BANK GUARANTEE of \$1,000.00 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.

Species /Location /Bond

Jacaranda mimosifolia (Jacaranda)
/ Front boundary
/ \$1,000.00

29. A plan, detailing screen planting of the northern side of the carport, shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to the release of the Construction Certificate. The plan shall incorporate species of type suitable for the site conditions and location and capable of attaining a height of 2.5 metres.
30. To enhance the streetscape, the screen planting plan shall indicate the planting of a small tree on the front boundary in the south-western corner.
31. 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

32. 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.
33. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
34. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
35. To preserve the following tree, 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.
- | Species /Location | Radius in Metres |
|--|------------------|
| <i>Jacaranda mimosifolia</i> (Jacaranda) | 2m |
| / Front boundary | |
36. 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.
37. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION/FINAL COMPLIANCE CERTIFICATE

38. 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.
39. 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.
40. 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.
41. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.

CARRIED UNANIMOUSLY

450 **Commemorative Council Meeting**

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File: S02646

To request Council to hold an Extraordinary Meeting of Council on Friday, 8 December 2006 to commemorate 100 years since the first Council Meeting was held in Ku-ring-gai.

Resolved:

(Moved: Councillors Lane/Hall)

That an Extraordinary Meeting of Council be held on Friday, 8 December 2006 commencing at 5.30pm on Friday, 8 December 2006 to commemorate 100 years since the first Council Meeting was held in Ku-ring-gai.

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

Against the Resolution: *Councillor Bennett*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

451 **Community Relationship with a Country Council**

File: S05591

Notice of Motion from Councillor E Malicki dated 31 October 2006.

In line with a decision made unanimously by delegates present at the Local Government Association Conference at Leura, 31 October 2006.

I move:

"That Ku-ring-gai Council enters into a Community Relationship with a NSW Country Council with a view to assisting that community in the current drought conditions.

That we do this in consultation with the Local Government and Shires Associations who can assist us in selecting a suitable country community with whom to join in such a relationship.

I further move that we set up a committee to facilitate this process and include members of our community in the planning".

Resolved:

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

452

20 to 28 Turramurra Avenue, Turramurra - Demolition of the Existing Structures & Construction of 36 Residential Units within Two Buildings

File: DA0402/06

Ward: Wahroonga

Applicant: Carrington Turramurra Two Pty Ltd

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

To determine development application No 402/06 which seeks consent for the demolition of the existing structures and construction of 36 residential units within two buildings.

Resolved:

(Moved: Councillors Cross/Hall)

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

That Council, as the consent authority, grant development consent to for the demolition of existing structures, lot consolidation and the construction of a residential flat development containing two buildings (**36** Units), basement car-parking and landscaping at 20-28 Turramurra Avenue, Turramurra 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 the following stamped approved plans and documentation, except where amended by conditions of consent:

Plan Nos	Date of Plan	Prepared by:
TR2-AR-CD-001 Rev 00, TR2-AR-CD-002 Rev 01 to TR2-AR-CD-008 inclusive, TR2-AR-CD-009 Rev 00 to TR2-AR-CD-010 inclusive, TR2-AR-CD-011 Rev 01, TR2- AR-CD-012 Rev 00 to TR2- AR-CD-021 Rev 00 inclusive, TR2-AR-CD-027 Rev 00, TR2- AR-CD-028 Rev 00		
<u>Landscape Plans</u> SK01G and SK02E	23/08/06 & 25/08/06 respectively	EDAW/ AECOM

Plan Nos	Date of Plan	Prepared by:
Civil Drawing C0101 Issue C, C0102 Issue C, C0201 Issue B, C0103 Issue A, C0104 Issue A, C0105 Issue A.	28/04/06 28/04/06 28/04/06 20/04/06 20/04/06 20/04/06	Meinhardt

Document Title	Date of Document	Prepared by:
Statement of Environmental Effects	May 2006	Urbis JHD
Arborist Report	April 2006	Treescan Urban Forest Management
Geotechnical Report- Ref. 20214SPrpt	28 April 2006	Jeffery and Katauskas Pty Ltd
BASIX Certificate, Cert. No. 68409M	27 April 2006	
Acoustic Report	26 April 2006	Acoustic Logic Consultancy

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

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

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

8. 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.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. 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.
11. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. 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.

13. 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.
14. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
15. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
16. 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.
17. 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.
18. 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.
19. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

20. To ensure minimal streetscape impacts, the lapped and capped front boundary fence and the stone entry wall sign are to be deleted.
21. To ensure minimal streetscape impacts, the side boundary lapped and capped fence forward of the front building line shall have a maximum height of 1.2m. details are to be provided prior to the release of the Construction Certificate

Note: This condition does not relate to the front boundary fence noted on Landscape Plan SKO2E Issue E.

22. Stormwater runoff from all new impervious areas generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
23. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
24. 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.
25. 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.
26. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (eg kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

27. 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.
28. 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.
29. 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.
30. 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.**
31. 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.

32. 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".
33. 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 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.
34. 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.
35. 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 method and vibration control,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,
- The excavations must be undertaken in accordance with the recommendations of the **Geotechnical Report** prepared by **Jeffery and Katauskas Pty Ltd dated 28 April 2006 Ref. 20214SPrpt** and all subsequent geotechnical inspections carried out during the excavation and construction phase.
36. Over the course of the works a qualified Geotechnical/hydro-geological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
37. 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.

38. Removal, or pruning of the following trees is not approved as part of this Development Application. A tree report prepared by Treescan Urban Forest Management, dated April 2006, has been submitted. Tree numbers refer to this report.

Tree/ Location

Ulmus minor'*Variegata*' (Variegated Smooth-leafed Elm) Tree 10

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

Tree/Location	Tree Works
<i>Diospyros kaki</i> (Chinese Persimon) Tree 3	Removal
<i>Sapium sebiferum</i> (Chinese Tallow Tree) Tree 7	Removal
<i>Pyrus ussuriensis</i> (Manchurian Pear) Tree 8	Removal
<i>Diospyros kaki</i> (Chinese Persimon) Tree 9	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 11	Removal
<i>Cupressus torulosa</i> (Bhutan Cypress) Tree 13	Removal
<i>Lagerstroemia indica</i> (Crepe Myrtle) Tree 14	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 15a	Removal
<i>Gleditsia triacanthos</i> (Honey Locust) Tree 16	Removal
<i>Eucalyptus nicholii</i> (Small Leaved Peppermint) Tree 17	Removal
<i>Toona ciliata</i> (Red Cedar) Tree 19	Removal
<i>Leptospermum petersonii</i> . (Tea-tree) Tree 21	Removal
<i>Celtis australis</i> (Nettle Tree) Tree 22	Removal
<i>Acer palmatum</i> (Japanese Maple)Tree 23	Removal
<i>Archontophoenix alexandrae</i> (Alexander Palm)Tree 27	Removal
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 32	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 35	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 36	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 37	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 38	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 39	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 40	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 41	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 42	Removal
<i>Acer buegeranum</i> (Trident Maple)Tree 43	Removal

40. 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

41. Canopy pruning of the following tree/s which may be necessary to accommodate the approved building footprint shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All other branches are to be tied back and protected during construction as recommended in the arborist report, under the supervision of a qualified arborist.

Tree/Location

Fraxinus chinensis (Chinese Ash) Tree 4
Melaleuca styphelioides (Prickly Paperbark) Tree 34
Syzygium paniculatum (Brush Cherry) Tree 31
Syzygium paniculatum (Brush Cherry) Tree 33

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

Tree/Location

Callistemon salignus (Willow Bottlebrush) Tree 1
Acacia baileyana (Cootamundra Wattle) Tree 20

43. 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

Fraxinus chinensis (Chinese Ash) Tree 4
Ulmus minor 'Variegata' (Variegated Smooth-leafed Elm) Tree 10

Tree Works

Root pruning
Root pruning

44. 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

45. 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>Fraxinus chinensis</i> (Chinese Ash) Tree 4	4m
<i>Ulmus minor</i> 'Variegata' (Variegated Smooth-leafed Elm) Tree 10	7m
<i>Cupressus macrocarpa</i> 'Conybearii Aurea' (Weeping Golden Cypress) Tree 15	4m
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 31	4m
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 33	6m
<i>Melaleuca styphelioides</i> (Prickly Paperbark) Tree 34	5m

46. 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.
47. Following removal of Tree 1 and 20 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
48. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Turramurra Ave as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
<i>Angophora floribunda</i>	6

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

51. In order to preserve the privacy of adjoining properties to the west, south and north, the following amendment is necessary:

- a) The fixed glazed windows on the northern, southern and western elevations of both buildings must incorporate opaque glazing panels.

Details of the above privacy measures are to be submitted with the application for a Construction Certificate.

52. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed buildings on the site to the appropriate power

pole(s) or other connection points, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate (Reason: To provide infrastructure that facilitates future improvement of the streetscape by relocation of overhead lines below ground).

53. To ensure compliance with council's bicycle parking and car wash bay provisions. The development must provide a minimum of eight (8) bicycle parking spaces and one (1) visitor bicycle parking space. The bicycle spaces must be designed in accordance with AS2890.3. At least one visitor parking space is to be provided with a tap for purposes of car washing. Details of the bicycle parking and car wash spaces are to be clearly marked on the plans submitted for the Construction Certificate.
54. A minimum of four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and level door handles and taps: such features to be designed generally in accordance with AS1428.1 and AS 4299-1995- Adaptable Housing. 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*).
55. Twenty seven (27) of the proposed apartments are to be 'visitable housing units' in accordance with the requirements of AS4299. These apartments are to be visitable by people who use wheelchairs. There must be at least one wheelchair accessible entry and path of travel to the living area and to a toilet that is either accessible (meeting the floor space requirements described in AS 1428.1) or visitable toilet (minimum space of 1250mm in front of the toilet that is either accessible or visitable, Details demonstrating compliance are to be submitted with the Construction Certificate (Reason: to ensure equity of access and availability for disabled persons)).
56. 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
36 ADDITIONAL DWELLINGS IS CURRENTLY \$774,958.78.

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

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

1.	Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2.	Park Acquisition and Embellishment Works	
	- Turramurra/Warrawee	\$4,723.00
	- Wahroonga	\$6,574.28
3.	Sportsgrounds Works	\$1,318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

58. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
59. Building Design requirements for Building Code of Australia:
- | | |
|-----------------|---|
| Classification: | Class 2 (Residential Portion of building), Class 7 (Basement Car Park Levels) |
| Rise in Storey: | Block A Five (5), Block B Five (5) |

Type of Construction: Block A Type A Construction, Block B Type A Construction

60. Prior to the release of the Construction Certificate, the applicant shall provide to Council or an Accredited Certifier a list of Fire Safety feature to be provided to the proposed development. Council or the Accredited Certifier shall issue a **“fire safety schedule”** with the Construction Certificate specifying the fire safety measures that shall be implemented in the building premises.
61. An archival report of the existing dwellings to be demolished is to be submitted to and approved by Council’s Heritage Advisor 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 persons 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:

- each elevation 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
- site plan showing all structures on site
- sketch of the floor plan showing the location of the camera for each photograph
- Black & White archival quality photographs, contact prints 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.

62. Prior to issue of the Construction Certificate the applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

63. 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.
64. 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.

65. 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.

66. 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.
67. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
 - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
 - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the **Stormwater Layout shown on drawings 9749 CO102**

issue 'C' to 9749 CO105 issue 'A' prepared by **Meinhardt Consulting Engineers** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

68. 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.
69. 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.
70. The Applicant must carry out the following infrastructure works in the Public Road:
 - a. construct a footpath along the frontage from No 20 to No 28 Turramurra Avenue.

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.

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

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

72. An amended, detailed plan and specification of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan and specification 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 are required:

- Landscape Plan to be drawn at 1:100 scale.
- Tree 22 is identified by Council in its Weed Management Policy as an Urban Environmental Weed and is to be removed.
- Existing levels are to be retained beneath the canopy drip lines of all trees to be retained on site and adjoining properties. No retaining walls are permitted other than the ones indicated on the Landscape Plan.
- Proposed planting of all canopy trees to be minimum 5 metres from the building.
- One additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted, to Building A along western site boundary, north of Tree 4.
- One additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted, to Building A along western site boundary, west of Unit A102.

- One additional endemic canopy trees capable of attaining a minimum height of 13m are to be planted, to Building A along northern site boundary, north of Unit A103.
- Proposed drainage pits and grates to be shown.
- Proposed planting of *Cupressus* sp. is not to include *Cupressocyparis x leylandii* (Leyland Cypress).
- Proposed planting of *Angophora costata* (Sydney Red Gum) to front setback to be substituted with *Eucalyptus saligna* (Sydney Blue Gum).
- To improve landscape amenity and privacy of central communal open space, raised planters to continue along entire length of southern boundary of space, excluding access at south-east corner. Proposed shrub planting to be replaced with 4 small evergreen trees interspersed with shrub planting to 2m high. Planting to southern side of communal open space to be in raised planter with 800mm minimum soil depth not including sub surface drainage requirements.
- On-slab planting areas to be shown. Details of on-slab planting to be provided. Tree planting to central communal open space to have 1.3m minimum soil depth not including sub surface drainage requirements.
- Proposed groundcover planting to raised planter at western end of communal open space to be replaced with layered shrub and groundcover planting that can attain 2-3 metres in height.
- Proposed native screen planting to site boundaries of *Banksia ericifolia* and *Banksia serratifolia* to be substituted with species that are representative of Blue Gum High Forest Community such as *Pittosporum revolutum*, *Dodonaea triquetra*, *Notelaea longifolia* and *Ziera smithii*. Screen planting to site boundaries to be layered consisting of medium shrubs (2-4m high), large shrubs (4-6m high), small trees (6-10m high), and large trees (12-20m high).

73. The Construction Certificate shall not be released until an amended Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The site works shall be carried out and installed in accordance with the approved Site Management Plan/s.

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

The following amendments to the plan shall apply:

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

Tree/Location	Radius From Trunk
<i>Cupressus macrocarpa</i> 'Conybearii Aurea' (Weeping Golden Cypress) Tree 15	4m

74. To maximise landscape amenity for the site, the following private courtyards are to be amended to ensure that proposed screen planting and tree replenishment is within the ownership of the body corporate. The amended plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The private courtyards are to be reduced in size as detailed by the following;
- The private courtyard for Units A101 and B101 are to not encroach closer than 8.0m to front boundary. 1.8m high screens are to not encroach closer than 8.0m to front boundary.
 - The private courtyard for Units A104 and B104 are to not encroach closer than 8.0m to front boundary. 1.8m high screens are to not encroach closer than 8.0m to front boundary.
 - The private courtyard for Units A104 and A103 are to not encroach closer than 8.0m to northern site boundary. 1.8m high screens are to not encroach closer than 8.0m to northern boundary.
 - The private courtyard for Units A103 and B103 are to not encroach closer than 4.0m to western site boundary. 1.8m high screens are to not encroach closer than 4.0m to northern boundary.
 - The private courtyard for Units A102 and B102 are to not encroach closer than 4.0m to northern boundary. 1.8m high screens are to not encroach closer than 4.0m to northern boundary.
75. To provide sufficient viable deep soil landscape area, stormwater pipelines are to be located outside of the zone of influence of tree roots at natural growth. The amended plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
76. The property shall support a minimum number of 15 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and 12, additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to release of Construction Certificate. Twenty five percent (25%) of the canopy trees to be planted are to be locally occurring native trees.
77. A CASH BOND/BANK GUARANTEE of \$10 000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.
- Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

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

78. A CASH BOND/BANK GUARANTEE of \$10 000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value (\$)
<i>Cupressus macrocarpa</i> 'Conybearii Aurea' (Weeping Golden Cypress) Tree 15	\$2,500
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 31	\$2,500
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 33	\$2,500
<i>Melaleuca styphelioides</i> (Prickly Paperbark) Tree 34	\$2,500

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

79. 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.
80. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries

- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

2. Traffic Control Plan(s) for the site:

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

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

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

In addition, the plan must address:

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

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written

acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

81. 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 Turramurra Avenue 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, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

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

82. Prior to the commencement of any works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures at No 18 and No 30 Turramurra Avenue.

The report must be completed by a consulting structural/geotechnical engineer. 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.

83. 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>Acer palmatum</i> (Japanese Maple) Tree 2	3m
<i>Fraxinus chinensis</i> (Chinese Ash) Tree 4	4m
<i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Tree 5	3m
<i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Tree 6	3m
<i>Cupressus macrocarpa</i> 'Conybearii Aurea' (Weeping Golden Cypress)Tree 15	3m
<i>Archontophoenix alexandrae</i> (Alexander Palm) Tree 28	3m
<i>Archontophoenix alexandrae</i> (Alexander Palm) Tree 29	3m
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 31	4m
<i>Syzygium paniculatum</i> (Brush Cherry) Tree 33	6m
<i>Melaleuca styphelioides</i> (Prickly Paperbark) Tree 34	4m
<i>Macadamia tetraphylla</i> (Macadamia) Tree 44	4m

84. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding the proposed building, 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>Ulmus minor</i> 'Variegata' (Variegated Smooth-leafed Elm) Tree 10	5m
<i>Fraxinus chinensis</i> (Chinese Ash) Tree 4	4m

85. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
86. 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.
87. 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.

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

89. A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, before a final occupation certificate can be issued for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- Forwarded to Ku-ring-gai Council.
- Prominently displayed in the building.

90. 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) 18 Turramurra Avenue and 30 Turramurra Avenue.

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.

91. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

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

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated

November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

92. 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.
93. 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.
94. 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.

95. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by Council at the hold points noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.
96. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
97. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
98. 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.

99. 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 BASIX and 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 **BASIX or DCP 47 commitments (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.

100. 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.

101. 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.
102. 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.
103. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation prepared by Jeffery and Katauskas Consulting Engineers and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
104. 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.

105. 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 address No.18 and No.30 Turramurra Avenue and including the intersection and driveway opposite the 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.

106. 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. Inspections by and documentation from the Arborist to the Principal Certifying Authority is required as specified. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
107. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
108. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

CARRIED UNANIMOUSLY

453 **27 Richmond Avenue, St Ives - Demolish Existing Dwelling & Construct New Dwelling**

File: DA0845/06

Ward: St Ives

Applicant: Mr S Rahmani

Owner: Mr S Rahmani

The following members of the public addressed Council:

A. Carroll

Z. Edwards

To determine development application No 845/06, which seeks consent for demolition of the existing dwelling and construction of a new two storey dwelling.

Resolved:

(Moved: Councillors Hall/Lane)

THAT the Council, as the consent authority, grant development consent to DA 845/06 for demolition of the existing dwelling and construction of a new dwelling on land at 27 Richmond Avenue, St Ives, 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 1/2 & 2/2, dated 1 July 2006, drawn by Patricia Vandenbruel, lodged with Council on 2 August 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 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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. 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.

13. 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.

14. 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.

15. 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.
16. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
17. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
18. 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.
19. 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.
20. 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.
21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
- 27. 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.
- 28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 29. Fire hoses are to be maintained on site during the course of demolition.
- 30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 31. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 32. 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.
- 33. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 34. To ensure that the replacement house has a complementary relationship to the other listed heritage items which forms the Pettit and Sevitt Exhibiting Village No 1, external joinery and weatherboards should be oiled or painted timber and should match the colour (mission brown) of the other listed items. The masonry walls should be bagged and painted white to match the other listed items. The

roof tiles should match the profile and colour of the other listed items (brown). The driveway should be gravel or bitumen.

35. Demolition of a non-heritage item or not in a UCA.

A report 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 person who has 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:

- Each elevation and selected interiors
- Photographs of timber joinery
- 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 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.

36. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.

37. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the

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

38. 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 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.
39. 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.**
40. 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.
41. 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".
42. To ensure adequate provision for parking within the garage, the step within the garage is to be reduced in order to allow for a B85 vehicle to be parked and satisfy the requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
43. Removal, or pruning of the following trees, is not approved as part of this Development Application:
Tree/ Location
Eucalyptus sp. X2 - Located north-east of existing driveway
Eucalyptus sp. - Located east within the rear yard

44. 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.
45. 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.
46. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works.

Plant Species

Cotoneaster lacteus (Cotoneaster) - Located eastern side of front yard

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

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

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

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

responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

50. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. 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.
51. 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.
52. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary 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 tank systems. Where proprietary products are to be used, manufacturer specifications and details must be provided.
 - Full details of the hydraulic evaluation of the entire stormwater drainage system including fully detailed design drawings and calculations of the on-site stormwater retention system (OSR).
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.

- Details of any required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 for volume, PSD and design requirements).

The above construction drawings and specifications are to be prepared by a suitably 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 upon the **Stormwater Management Plan SRIC-A** prepared by **WaterPlan Pty Ltd** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

53. A CASH BOND/BANK GUARANTEE of \$2000.00 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

54. 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.
55. 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.
56. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location	Radius From Trunk
<i>Eucalyptus sp.</i> X2 - Located NE of existing driveway	2.0m
<i>Eucalyptus sp.</i> - Located East within the rear yard	4.0m

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

57. 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.
58. 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.
59. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
60. 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 volume storage requirements of BASIX and 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 **BASIX commitments (all toilet flushing, laundry and garden irrigation).**

- d) That the drainage system has been installed by a licensed contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA.
- e) That all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The *rainwater retention certification sheet* contained at appendix 13 of Ku-ring-gai Council Water Management DCP 47 must be completed and attached to the certification. Where an on-site detention system has been constructed, the *on-site detention certification sheet* contained at appendix 4 of DCP 47 must also be completed and attached to the certification.

61. 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.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Lane, Ryan & Shelley

Against the Resolution: Councillors Andrew, Bennett, Malicki & Anderson

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

(Moved: Councillors Bennett/Andrew)

That Council defer its consideration of DA 0845/06 (27 Richmond Avenue, St Ives) until the next meeting of Council to allow Councillors additional time to consider the heritage issues relating to this DA and to consider whether heritage listing of the property should be sought.

That Councillors be provided with the previous information on the heritage listing of the property and the previous recommendations.

During debate on the above matter, Councillors Malicki & Bennett moved a Motion to suspend Standing Orders in order to move a further Motion seeking to list the building at 27 Richmond Avenue, St Ives as a heritage item.

When put to the vote the Motion was LOST.

For the Resolution: Councillors Andrew, Bennett, Cross, Malicki & Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Hall, Lane, Ryan & Shelley

*The voting being EQUAL, the Mayor exercised his Casting Vote
AGAINST the Motion*

454 **Analysis of Land & Environment Court Costs**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the quarter ended 30 September 2006.

Resolved:

(Moved: Councillors Lane/Shelley)

That the analysis of Land & Environment Court costs for the first quarter of the financial year 2006/2007 be received and noted.

CARRIED UNANIMOUSLY

Councillor Bennett withdrew

*Standing Orders were suspended to deal with the
Business Without Notice after all other business is completed
Motion moved by the Mayor, Councillor Ebbeck & Councillor Cross
was CARRIED UNANIMOUSLY*

QUESTIONS WITHOUT NOTICE

455 **Work undertaken by energyAustralia & Sydney Water - Advise Ward Councillors prior to work commencing**

File: S03152

Question Without Notice from Councillor M Shelley

Would the General Manager or appropriate Director advise Ward Councillors of work to be undertaken by energyAustralia or Sydney Water prior to those works commencing - where Council has been notified in advance?

Answer by the Director Technical Services

I will try to get a monthly update on those works in advance. There is a number of works that happen quite regularly, some minor & some major.

456 **Motor Vehicle Damage by Council Palm Tree on Nature Strip outside
70 Bancroft Avenue**

File: 88/05097/04

Question Without Notice from Councillor M Shelley

I refer to the letter from Neil Thomas of Bancroft Avenue, Roseville, regarding damage to his motor vehicle caused by falling fronds from a Council street tree.

- a. Would the General Manager advise what Council's legal position is in regard to damage caused in this way?

and
- b. Would the General Manager advise whether the tree is an appropriate species given its location and proximity to Roseville Public School?

Answer by the General Manager

In relation to Item 1, the Acting Director Finance & Business will report back & in relation to Item 2, the Director Open Space & Planning will report back to Council.

457 **Section 94A Developer Contribution Levy**

File: S02073

Question Without Notice from Councillor T Hall

Following the recent amendments made by the Planning Minister to Section 94A of the Environmental Planning & Assessment Act & publicity in the matter, will you as Chair of the Planning Committee, Mr Mayor, call for a report on the implications of adopting Section 94A (Developer Contribution Funding) for Stage 2 of the Ku-ring-gai Town Centre LEP & Amendments thereto?

Answer by the Mayor

Yes.

458 **Commercial Use of Residence - 34 Canberra Crescent, Lindfield**

File: P37907

Question Without Notice from Councillor T Hall

I ask the General Manager to investigate the commercial use of premises at 34 Canberra Crescent, Lindfield which business has recently moved to this house from commercial premises at North Turramurra?

Answer by the General Manager

I will do that.

459 Town Centre Plans - Displayed at Extraordinary Meetings of Council

File: S02355

Question Without Notice from Councillor A Ryan

As I originally requested, please can the second screen in the Chamber be used to show Town Centre plans during the respective Extraordinary Meetings?

Answer by the Mayor

Yes.

Councillor Bennett returned

*Council resolved itself into Closed Meeting
with the Press & Public Excluded to deal with the following items:*

460 1580 to 1596 Pacific Highway, Wahroonga - Removal of Trees
(Section 10A(2)(g) - Advice concerning litigation)

File: S04355

Report by Corporate Lawyer & Director Open Space & Planning dated 1 November 2006.

Resolved:

(Moved: Councillors Andrew/Ryan)

- A. That authority be granted to the Mayor & the General Manager to affix the Common Seal of Council to the Deed contained in Attachment B.
- B. When the deed has been executed, the Officers' report be released to the Press & Public.

CARRIED UNANIMOUSLY

- 461 **Expressions of Interest for Sale of 828 Pacific Highway, Gordon**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P54797

Ward: Gordon

To consider the registering of an Expression of Interest for the purchase of the building at 828 Pacific Highway, Gordon.

Resolved:

(Moved: Councillor Ryan/Lane)

That Council proceed in the terms discussed.

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

Against the Resolution: Councillor Hall

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

(Moved: Councillors Hall/Shelley)

That Council not lodge an Expression of Interest.

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

- 462 **Staff Matter**

File: S04516

Resolved:

(Moved: The Mayor, Councillor Ebbeck/Councillor Cross)

That Council proceed in the terms discussed.

CARRIED UNANIMOUSLY

The Mayor adverted to the consideration of the matters referred to in the Minutes numbered 460 & 461, and to resolutions contained in such Minutes.

The Meeting closed at 10.20pm

The Minutes of the Ordinary Meeting of Council held on 14 November 2006 (Pages 1 - 95) were confirmed as a full and accurate record of proceedings on 28 November 2006.

General Manager

Mayor / Chairperson