

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 15 FEBRUARY 2005**

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

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Planning (Leta Webb)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
PA to Director Development & Regulation/WP (Judy Murphy)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### **APOLOGIES**

NOTE: Councillors G Innes AM and M Shelley had previously been granted leave of absence from this Council meeting (refer Minute No 1).

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

### **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

- Refers GB.1: 134-138 Eastern Road, Wahroonga – Memorandum from Manager Development Assessment dated 15 February 2005 re Heritage Status and legal advice from Abbott Tout dated 15 February 2005
- Refers GB.2: 134-138 Eastern Road, Wahroonga – Memorandum from Director Development & Regulation dated 15 February 2005 re amended conditions.
- Refers GB.10: 517 Pacific Highway, Killara – Memorandum from Director Planning dated 11 February 2005 re heritage nomination
- Late Item: 134-138 Eastern Road, Wahroonga – Report by Director Development & Regulation dated 15 February 2005

## **CONFIRMATION OF MINUTES**

### **29 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 1 February 2005

Minutes numbered 1 to 28

#### **Resolved:**

(Moved: Councillors Ebbeck/Cross)

That Minutes numbered 1 to 28 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **MINUTES FROM THE MAYOR**

### **30 Meeting With Minister Beamer On Planning Issues**

File: S02380

I am pleased to inform Council that I met with Assistant Planning Minister Diane Beamer on Tuesday, 8 February, to discuss progress with Ku-ring-gai's residential development strategy.

I also presented to the Minister a letter from the Council as agreed at our recent workshop.

The meeting was fruitful and positive, with Ms Beamer indicating she was happy with the way the Council is implementing stage one of the strategy and planning for stage two.

The meeting and subsequent letter suggests a significant improvement in Council's relationship with the government.

To prevent poor planning outcomes, we need to maintain and further enhance this relationship.

Such an approach offers the best hope of controlling our destiny and providing housing options that are in keeping with Ku-ring-gai's intrinsic character.

**Resolved:**

- A. That Council formally endorses the letter delivered to Minister Beamer on 8 February.
- B. That Council notes the letter in response from the Minister.

**CARRIED UNANIMOUSLY**

**REPORTS FROM COMMITTEES**

**Minutes of Ku-ring-gai Traffic Committee**

File: S02110

Meeting held 3 February 2005

Minutes numbered KTC1 to KTC3

31 **General Matter - Items Under Delegated Authority**

File: S02738

*Vide Minute No KTC1*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in November/December 2004 and January 2005 under Delegated Authority, be noted.

**CARRIED UNANIMOUSLY**

32 **Special Community Events**

File: S02158

*Vide Minute No KTC2*

To consider simplified approval processes for on street special events.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council's approval of Traffic Management Plans for one off special events be delegated to Director Technical Services for processing under the TDA process, which will involve Ward Councillors.
- B. That Council's approval of TMP's for events which have been successfully held previously, be delegated to the Director Technical Services, subject to the TMP's involved being substantially unchanged, and that both KTC and Councillors be informed of such approvals.

**CARRIED UNANIMOUSLY**

33 **General Matter - Lindfield Fun Run**

File: S02158

Ward: Roseville

Electorate: Davidson

*Vide Minute No KTC3*

To consider a request from Rotary Club of Lindfield for a Fun Run on Sunday 20 March 2005.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council not object to the proposed Fun Run to be held of Sunday 20 March 2005 following the route shown on Sketch Plan No. Lindfield Fun Run/KTC/02/05, subject to the event organisers observing the following conditions:
  - 1. A satisfactory Traffic Management Plan being prepared by the Lindfield Rotary Club Inc. addressing the traffic impacts that may result from the proposed Fun Run, and that the TMP be approved by the Roads and Traffic Authority.
  - 2. The Lindfield Rotary Club paying Council's current fee of \$166 for processing Traffic Management Plan for the event.
  - 3. The organisers to be responsible for the supply and erection of barriers, road cones and any other markings.

4. Competitors to use footpaths where practicable and at other times to run/walk as near as practicable to the right hand side of the carriageway.
  5. Any Police direction given to be promptly obeyed.
  6. Any motor vehicle used in conjunction with this event must be driven at the general speed of other traffic. When used for relief or supervisory purposes while stationary, such vehicle must be clear of the trafficable portion of the roadway used by moving traffic.
  7. Roads and Traffic Authority accredited marshals be provided at appropriate positions as directed by Police to make motorists aware of the potential danger of runners/walkers in the near vicinity. No person under the age of sixteen years to be used in these positions.
  8. All marshals to be in position prior to commencement of the event and remain until dismissed by the organisers.
  9. Marshals to be briefed as to their duties and responsibilities prior to the commencement of the event.
- B. That Mr Frank Windeyer of Rotary Club of Lindfield Inc. be notified of Council's decision, and be requested to respond in writing to Council by 4 March 2005.

**CARRIED UNANIMOUSLY**

## **GENERAL BUSINESS**

34

### **3 Durack Place, St Ives - Detached Dual Occupancy**

File: DA0477/04

Ward: St Ives

Applicant: C R & J Thomas Nominees and QQQ Investments c/- Glendinning Minto and Associates

Owner: C Thomas & G Quan

Determination of an application for a detached dual occupancy development.

#### **Resolved:**

(Moved: Councillors Hall/Bennett)

That Development Application No 477/04 for demolition of existing dwelling and outbuilding and construction of a detached dual occupancy development at 3 Durack Place, St Ives being Lot 2, DP 585071 be approved 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, 3, 4 5, 6 and 7 (Job THO29804 - House 3A -Front) and plans numbered ,3, 4, 5, 6, and 7 (Job QQQ29904 - House No 3B - Rear), dated 15/03/04, drawn by Charleston Homes, and landscape Plan LO1 Revision B dated 20/8/04 drawn by Patio Landscape Architects and endorsed with Council's approval stamp, except where amended by the following conditions.
2. 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.
3. 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.
4. The dual occupancy development approved under DA 477/04 is to be completed and an occupation certificate is to be issued by the Principal Certifying Authority prior to a Subdivision Certificate being released by Council under any separate subdivision application.
5. All building works shall comply with the Building Code of Australia.
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.
9. Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. 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.
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. 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.
18. 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.
19. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
20. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
21. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.

22. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
- cause the windows or other openings in the external walls to be close boarded or otherwise covered;
  - cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
  - 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.
23. 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. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. 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.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. 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.



34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. External finishes and colours are to be sympathetic to the surrounding environment.
36. Any fence to be constructed between Dwelling One and Dwelling Two shall comply with the requirements of Development Control Plan No 46 Exempt and Complying Development.
37. Bathrooms and toilets must have installed maximum 6/3 liter dual flush cisterns and shower heads with reduced water flow devices to ensure water conservation.
38. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

39. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
40. Landscape works shall be carried out in accordance with Landscape Drawing No 04-050 Rev B prepared by Patio Landscape Architects and dated 20/08/04 submitted with the Development Application, except as amended by the following:

Levels of the proposed driveway beneath the canopy drip line of the *Grevillea robusta* (Silky Oak) located adjacent to the southern site boundary are to be raised/alterd to ensure that there is no excavation within a 6.5m radius of the tree trunk.

41. To facilitate landscape amenity the existing two *Washingtonia robusta* (Washington Palm) identified as Tree #'s 45 and 46 within the Arborists Report by Earthscape horticultural Services dated Jan. 2004, located within the proposed driveway footprint are to be transplanted and relocated on site. The location of the relocated palms is to be shown on the landscape plan and submitted to the principal certifying authority for approval prior to the issue of the construction certificate. The relocated palms are to be located to a position where they can continue to grow to maturity unhindered by services and overhanging trees and be in such a position that they are protected by Councils Tree Preservation Order.

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

(Tree numbers refer to the Tree Assessment Report by Earthscape Horticultural Services dated Jan. 2004)

Tree/Location

#127 *Liquidambar styraciflua* (Sweet Gum)  
Adjacent to northern site boundary

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

Tree/Location

Radius from Trunk

#127 *Liquidambar styraciflua* (Sweet Gum) 8.0m  
Adjacent to northern site boundary

#207 *Grevillea robusta* (Silky Oak) 6.5m  
Adjacent to southern site boundary

#276 *Syragus romanzoffianum* (Cocco's Palm) 3.0m  
Adjacent to southern site boundary

#47 *Eucalyptus racemosa* (Scribbly Gum) 5.0m  
Adjacent to eastern site boundary

#145 *Corymbia ficifolia* (Red flowering gum) 4.0m  
Adjacent to northern site boundary

#173 *Citharexylum spinosum* (Fiddlewood) 4.0m  
Adjacent to northern site boundary

#202 *Syzigium paniculatum* (Lillypilly) 5.0m  
Adjacent to western site boundary

45. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified and practicing Arborist before, during and after completion of development works to ensure their long term survival. Reports from the Arborist to the Council shall be required at critical intervals prior

during and after development works e.g. prior to commencement of works, after demolition, at the time of excavation and regrading of the site, after the pouring of concrete slabs and driveway, at the completion of external building works and at the completion of all development works on site. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority with a copy to Council with the final Certificate of Compliance.

46. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius from Trunk
#207 <i>Grevillea robusta</i> (Silky Oak) Adjacent to southern site boundary	6.5m

47. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
48. To preserve the ongoing health and vigour of the *Grevillea robusta* (Silky Oak) located adjacent to the southern site boundary, no excavation is permitted within a 5.5m radius of the tree. The proposed driveway is to be constructed on top of existing grade. Revised plans complying with this requirement are to be submitted to the principal certifying authority for approval, with a copy to Council, prior to the issue of the construction certificate.
49. 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
#127 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	6.0m
#173 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to northern site boundary	4.0m
#276 <i>Syragus romanzoffianum</i> (Coccos Palm) Adjacent to southern site boundary	4.0m
#47 <i>Eucalyptus racemosa</i> (Scribbly Gum) Adjacent to eastern site boundary	5.0m

50. 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.

51. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
52. 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.
53. 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.
54. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
55. An on-site stormwater detention and/or retention system(s) must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
56. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
57. The relocation or adjustment of any utility service facilities must be carried out by the applicant in accordance with the requirements of the utility authority at no cost to Council.
58. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
59. All garage doors shall have a minimum clear width of 4.8 metres in order to comply with section 5.4 of AS 2890.1 "Off-street car parking".

60. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with AS2890.1 "Off-Street Car Parking".
61. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

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

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

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

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

65. 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.

Details prepared by a practicing structural engineer for :

- all or any reinforced concrete, structural steel or timber framing.
- Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- Retaining walls and associated drainage.
- Wet area waterproofing details complying with the Building Code of Australia.
- Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 13 August 2003, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95

6.	New Public Art	\$2.93
7.	Open Space	\$7851.00
8.	Koola Park upgrade	\$143.09
9.	North Turrumurra Sportsfield	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.25 persons
Medium dwelling (75 - under 110sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

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

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

68. A CASH BOND/BANK GUARANTEE of \$4,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

69. A CASH BOND/BANK GUARANTEE of \$5,000 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 final Certificate of Compliance, provided the trees are undamaged.

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

Tree/Location

#207 *Grevillea robusta* (Silky Oak) (\$2 000.00)  
Adjacent to southern site boundary

#127 *Liquidambar styraciflua* (Sweet Gum) (\$2 000.00)  
Adjacent to northern site boundary

#47 *Eucalyptus racemosa* (Scribbly Gum) (\$1 000.00)  
Adjacent to eastern site boundary

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

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

Tree/Location

Radius in Metres

#127 *Liquidambar styraciflua* (Sweet Gum) 8.0m  
Adjacent to northern site boundary

#207 *Grevillea robusta* (Silky Oak) 8.0m  
Adjacent to southern site boundary

71. 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.

72. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
73. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
74. Full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system incorporating the above issues shall be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes . Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m<sup>2</sup> roof area for each 5000 litres of storage (pro-rata basis). Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and

experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

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

75. 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.
76. 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 lodgment of those Certificates with Council.
77. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

# 207 *Grevillea robusta* (Silky Oak)  
Adjacent to southern site boundary

#276 *Syragus romanzoffianum* (Coccos Palm)  
Adjacent to southern site boundary

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

Tree/Location	Radius in Metres
#127 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	3.5m
#173 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to northern site boundary	4.0m
#276 <i>Syragus romanzoffianum</i> (Cocco's Palm) Adjacent to southern site boundary	3.0m
#47 <i>Eucalyptus racemosa</i> (Scribbly Gum) Adjacent to eastern site boundary	3.0m
#202 <i>Syzigium paniculatum</i> (Lillypilly) Adjacent to western site boundary	4.0m
#145 <i>Corymbia ficifolia</i> (Red flowering gum) Adjacent to northern site boundary	4.0m

79. To preserve the existing tree grouping adjacent to the site frontage/eastern site boundary (#'s 84, 71, 72, and 78), no work shall commence until the area beneath the canopy drip line of the tree/s is fenced off for a minimum 3.0m radius from the trunks 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.
80. 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.
81. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

82. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.

83. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
84. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
  - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- As built reduced surface and invert levels for all drainage pits and connection points.
  - As built reduced level(s) at the approved point of discharge to the public drainage system.
  - Gradients of drainage lines, materials and dimensions.
85. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.

- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

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

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable “first flush” system to collect sediment/debris before entering the tank(s).
- Installation of proprietary tank products in accordance with manufacturers’ specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).

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

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

- As constructed levels in comparison to design levels
  - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
  - Dimensions of all retention tanks/devices
  - Top water levels of storage areas and RL’s at overflow point(s)
  - Storage volume(s) provided and supporting calculations/documentation.
87. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
88. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities"

(available from Council on request) and to the satisfaction of Council.  
Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

## BUILDING CONDITIONS

89. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
90. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
91. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
92. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

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

93. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or  
Smoke alarms which:

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

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

94. 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**

35 **403 Mona Vale Road, St Ives**

File: 0677/04

To address matters raised at the site inspection of 15 January 2005 and for Council to determine a development application for the demolition of the existing dwelling and the construction of an attached dual occupancy.



## **Resolved:**

(Moved: Councillors Hall/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 0677/04 for demolition of the existing dwelling and erection of an attached dual occupancy on land at 403 Mona Vale Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development must be carried out in accordance with plans numbered 1 and 2, dated 04/06/04, drawn by Patricia Vandenbruel, and endorsed with Council's approval stamp, except where amended by the following conditions.
2. 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.
3. 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.
4. The dual occupancy development approved under DA 1089/03 is to be completed and an occupation certificate is to be issued by the Principal Certifying Authority prior to a Subdivision Certificate being released by Council under any separate subdivision application.
5. All building works shall comply with the Building Code of Australia.
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.

9. Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. 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.
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. 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.
18. 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.
19. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

20. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
21. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
22. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
  - cause the windows or other openings in the external walls to be close boarded or otherwise covered;
  - cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
  - 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.
23. 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. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

31. 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.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. External finishes and colours are to be sympathetic to the surrounding environment.
36. Any fence to be constructed between Dwelling One and Dwelling Two shall comply with the requirements of Development Control Plan No 46 Exempt and Complying Development.
37. Bathrooms and toilets must have installed maximum 6/3 litre dual flush cisterns and shower heads with reduced water flow devices to ensure water conservation.
38. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

39. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
40. To preserve the existing treed character of Ku-ring-gai, the number of Bangalow Palms (*Archontophoenix cunninghamiana*) is to be reduced by 50%.
41. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
42. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius from Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in rear garden	6.0m
<i>Alnus jorulensis</i> (Evergreen Alder) Adjacent to rear site boundary in neighbouring property	6.0m

43. To preserve the ongoing health and vigour of the *Jacaranda mimosifolia* (Jacaranda), no paving works are permitted within the canopy drip line.
44. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
45. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
46. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

*Morus nigra* (Mulberry)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Cinnamomum camphora* (Camphor laurel)

46. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
47. 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.
48. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
49. An on-site stormwater detention and/or retention system(s) must be provided for each dwelling in accordance with Council's requirements described in chapter 6

of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.

50. 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.
51. 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.
52. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
53. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
54. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

55. All garage doors shall have a minimum clear width of 4.8 metres in order to comply with section 5.4 of AS 2890.1 “Off-street car parking”.
56. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with AS2890.1 “Off-Street Car Parking”.
57. The driveway entrance and crossing width is to be widened to comply the AS2890.1 requirement for 5.5 metres width for the first 6 metres from the kerb. The balance of the driveway is to be constructed with a minimum clear width between adjacent obstructions of 3.0 metres in accordance with AS 2890.1 “Off-street Car Parking”. The driveway is to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck
58. The driveway is to be a perpendicular to Mona Vale road with a minimum width of 5 metres at the kerblines splaying back to a width of 3 metres at the property boundary.
59. The design and construction of the proposed gutter crossing on Mona Vale Road shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA’s Project Services Manager, Traffic projects Section, Blacktown (ph 8814 2144).
60. All works associated with the proposed development shall be at no cost to the RTA.

In addition to the above, the RTA provides the following advisory comments to Council for consideration in the determination of the development application.

61. Storm water run-off from the subject site onto Mona Vale Road, as a result of the proposed development is not to exceed the existing level of run-off from the site.
62. The layout of the car parking areas associated with the subject development (including, turn paths, aisle widths, sight distance requirements, and parking bay dimension) should be in accordance with AS 2890.1-2004.
63. Any redundant driveways along the Mona Vale Road frontage of the subject site are to be removed with kerb and gutter (Type SA) reinstated to match existing.
64. Suitable provision is to be made on site for construction vehicles to alleviate any need to park on Mona Vale Road.
65. The proposed development should be designed such that road traffic noise from Mona Vale road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA’s Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonable to meet the RTA recommendations that Council applies, the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia.

- All habitable rooms other than sleeping rooms: 45 dB(A) Leg (15 hr) and 40 dB(A) Leg(9hr) and
- Sleeping rooms: 35 dB(A) Leg (9hr)

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

66. 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.

67. 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).
68. 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.

69. 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.

Details prepared by a practicing structural engineer for :

- all or any reinforced concrete, structural steel or timber framing.
- Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- Retaining walls and associated drainage.
- Wet area waterproofing details complying with the Building Code of Australia.
- Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$25,973.53. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 13 August 2003, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93

7.	Open Space	\$1,966.00
8.	Koola Park upgrade	\$143.09
9.	North Turramurra Sportsfield	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

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

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

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

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

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

74. A plan detailing screen planting of the northern (side), eastern (rear) and southern (side) site boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 5.0, 3.5, and 4.0 metres respectively.

75. The property shall support a minimum number of three (3) trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work. It is required that two of the trees to be planted be a native indigenous (locally occurring) tree species. One of which is to be planted within the front setback.
76. The two (2) trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
77. A CASH BOND/BANK GUARANTEE of \$4 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

78. A cash bond/bank guarantee of \$1 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

*Jacaranda mimosifolia* (Jacaranda)

Located adjacent to the northern site boundary in the rear garden

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

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

Tree/Location	Radius in Metres
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in rear garden	6.0m
<i>Alnus jorulensis</i> (Evergreen Alder) Adjacent to rear site boundary in neighbouring property	6.0m

80. 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.

81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
82. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
83. The stormwater plan prepared by AFCE, Drawing No. 332932/D1&D2, dated 6/2004 shall be amended to, but not limited to the following:  
The overflow from the retention tank shall be piped to downstream junction pit located at the boundary. The use of flap valve shall be eliminated.

Full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system incorporating the above issues shall be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m<sup>2</sup> roof area for each 5000 litres of storage (pro-rata basis). Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details demonstrating compliance with the requirement of a minimum 3.5 star NatHERS Rating or combined summer/winter thermal assessment of at least 60% (as detailed within section 4.4.2 of Council's Dual Occupancy Code).

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

85. 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.
86. 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.
87. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed timber deck shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius from Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in rear garden	6.0m

88. 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.

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

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

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

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

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

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

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

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

- a. As built reduced surface and invert levels for all drainage pits and connection points.
  - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
  - c. Gradients of drainage lines, materials and dimensions.
93. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

Compatibility of the retention system(s) with the approved Construction Certificate plans.

Compliance with AS 3500.2 & AS3500.3:1998.

Overflow from the installed retention devices directed to an approved disposal point.

The capacity of the retention storage as approved.

Provision of leaf gutter guards to all roof gutters.

Measures to prevent mosquito breeding nuisance.

Provision of a readily maintainable “first flush” system to collect sediment/debris before entering the tank(s).

Installation of proprietary tank products in accordance with manufacturers’ specifications.

The structural adequacy of tank and supporting structures/slabs.

Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).

All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.

An air gap being provided at the top of the tank(s).

Mains backflow prevention devices being installed at all relevant locations for reticulated systems

Sediment sump of 150mm minimum being provided at the base of the tank(s)

All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.

The provision of water mains back-up system to each collection tank for periods of low rainfall.

Evidence of Sydney Water approval to the proposed system.

The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.

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



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

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

## BUILDING CONDITIONS

94. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
95. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
96. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

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

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

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

98. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or  
Smoke alarms which:

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

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

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

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

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

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

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

*Against the Resolution:*              *Councillor Bennett*

## **Council Seal for Centenary of Local Government Research Project Contract**

File: S02646

To seek approval to affix Council's Common Seal authorising contract documentation for the Research Project for 100 Years of Local Government in Ku-ring-gai.

### **Resolved:**

(Moved: Councillors Hall/Ebbeck)

That authority be given to affix the Common Seal of Council to the contract documentation to engage consultants to undertake a research project on 100 Years of Local Government in Ku-ring-gai.

**CARRIED UNANIMOUSLY**

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

### **Staff Delegation of Development Applications**

File: S02017, S02240

**Notice of Motion from Councillor T Hall dated 25 January 2005.**

I move:

- A. That all development applications for multi-unit housing within the Residential 2(d3) zone be referred to full Council for determination, excepting those applications in respect of which insufficient information has been submitted to allow a full and proper assessment pursuant to Section 79C of the Environmental Planning and Assessment Act.
- B. That all development applications proposing Dual Occupancies be determined by staff under delegated authority, excepting those called by a Councillor to full Council.

### **Resolved:**

(Moved: Councillors Hall/Lane)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

### **ALGWA Women's Conference 2005**

File: S02815

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) 52nd Annual State Conference to be held from 17 March 2005 to 20 March 2005.

**Resolved:**

(Moved: Councillors Malicki/Ebbeck)

That all interested Councillors advise the General Manager by Friday, 18 February 2005 if they wish to attend the Australian Local Government Women's Association (NSW) 52nd Annual State Conference at Albury City Council.

**CARRIED UNANIMOUSLY**

39 **Public Place Recycling Scheme**

File: S03029

**Notice of Motion from Councillor E Malicki dated 21 January 2005.**

I move:

That a report be brought to Council on the implementing of a Public Place Recycling Scheme.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS (Cont'd)**

40 **517 Pacific Highway, Killara - Heritage Nomination**

File: P54679

For Council to consider preparing a Draft Local Environmental Plan (LEP) to list the property at 517 Pacific Highway, Killara (The Oaks) as a heritage item. Due to a recent application for demolition, Council to consider making a request to the NSW Heritage Council for an Interim Heritage Order (IHO).

**Resolved:**

(Moved: Councillors Malicki/Cross)

- A. That Council prepares a Local Environmental Plan to include 517 Pacific Highway, Killara as a draft heritage item.
- B. That Council makes a request to the Minister to consider making an Interim Heritage Order (IHO) on the site.
- C. That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the EP & A Act.
- D. That Council notifies the owners of all affected properties of its decision.
- E. That the Draft Plan be placed on exhibition on accordance with the requirements of the EP & A Act and Regulations.
- F. That a report be brought back to Council at the end of the exhibition period.

**CARRIED UNANIMOUSLY**

41 **134 to 138 Eastern Road, Wahroonga - Demolition of Interwar Building and Chapel**

File: DA991/04

Ward: Wahroonga

Applicant: Mirvac Projects Pty Ltd

Owner: Mirvac Projects Pty Ltd

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

**C Parr**

**S Olding**

**A Parr**

**D Brew**

**H Tanner**

**G Carrier**

To determine Development Application No 991/04, seeking consent for the demolition of the existing interwar building and chapel upon the site.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

- A. That Development Application No 991/04 for the demolition of the existing interwar building and chapel on site be refused on grounds of the heritage significance of the interwar building and chapel.
- B. That Council prepares a Local Environmental Plan to include the site at 134 – 138 Eastern Road, Wahroonga as a draft heritage item.
- C. That Council makes a request to the Minister to consider making an Interim Heritage Order (IHO) on the site.
- D. That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the E P & A Act.
- E. That Council notify the owners of all affected properties of its decision.
- F. That the Draft Plan be placed on exhibition in accordance with the requirements of the EP & Act and Regulations.
- G. That a report be brought back to Council at the end of the exhibition period.

**CARRIED UNANIMOUSLY**

42      **134 to 138 Eastern Road, Wahroonga - Section 96 Application - Amendments to Subdivision Consent**

File: DA0480/99A

Ward: Wahroonga

Applicant: Mirvac

Owner: Mirvac Projects Pty Limited

To determine Development Application No 480/99A which seeks consent for amendments to approved subdivision DA 480/99.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

That the Section 96 application (Development Application No 480/99A) for amendments to the approved subdivision consent be refused given its dependence on the approval of the development application for demolition.

**CARRIED UNANIMOUSLY**

43      **134 to 138 Eastern Road, Wahroonga (Earthworks) - Section 96 Application - Amendments to Development Consent for Bulk Earthworks Consent**

File: DA1163/03

Ward: Wahroonga

Applicant: Mirvac Projects Pty Ltd

Owner: Mirvac Projects Pty Ltd

To determine Section 96 Application No 1163/03A which seeks consent for amendments to earthworks consent DA1163/03.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

That the Section 96 application (DA1163/03A) for modifications to the earthworks consent be refused given its dependence on the approval of the development application for demolition.

**CARRIED UNANIMOUSLY**

44      **2004 to 2008 Management Plan Second Quarter Review as at 31 December 2004**

File: S03096

To report to Council on progress made towards achieving Key Performance Indicators as contained in Council's 2004 - 2008 Management Plan.

**Resolved:**

(Moved: Councillors Malicki/Cross)

- A. That the report on the progress of the Key Performance Indicators contained in the 2004 - 2008 Management Plan for the half-year ended December 2004 be received and noted.
- B. That a report be brought to Council on the unachieved items.

**CARRIED UNANIMOUSLY**

45      **1225 Pacific Highway, Turramurra**

File: DA1239/02

To address matters raised at the site inspection of 13 December 2004 and for Council to determine a development application for the erection of a SEPP5 development.

**Resolved:**

(Moved: Councillors Ebbeck/Hall)

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

That Development Application No 1239/02 for consent to construct a SEPP5 development at 1225 Pacific Highway, Turramurra being Pt Lot 9 in DP 17642, be approved for a period of two years from the Notice of Determination, subject to the following conditions:

#### GENERAL CONDITIONS

1. The development to be in accordance with Development Application No and Development Application plans prepared by HPDR Architects, reference number 14600, 14601, 14602, 14603, 14604, 14605, 14612 revision D, dated Sept 2004 and lodged with Council on 15 October 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. A new timber lapped and capped fence shall be provided along the eastern and northern boundaries of the property except as follows:
  - along the eastern boundary adjoining 4 Ku-ring-gai Avenue where a masonry wall exists on the adjoining property.
  - Along the eastern boundary adjacent to the dwelling on 2 Ku-ring-gai Avenue where a fence in good repair exists.
5. To ensure appropriate levels of sound insulation is provided due to the close proximity of the development to Pacific Highway, the windows within the western elevation of the new buildings shall be provided with double glazing. The windows within the southern elevation of the existing building shall be provided with double glazing internally, enabling the retention of the existing window frames.
6. The front fence along the southern boundary of the property shall be retained and repaired where necessary.
7. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
  - a. People 55 or over or people who have a disability;
  - b. People who live with people 55 or over or people who have a disability;
  - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
8. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.



9. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
10. An accredited traffic control person to assist pedestrians crossing the driveway shall be provided during demolition and construction to ensure a reasonably level of safety is provided to pedestrians within the proximity of the development.
11. To ensure compliance with the requirements of State Environmental Planning Policy No 5 and adequate lighting is provided for residents and visitors pathway lighting from the front pedestrian pathway to the entry of each unit shall be provided. The lighting shall be:
  - positioned at low height to avoid glare;
  - provide at least 50 lux at ground level;
  - not spill into the internal areas of any of the units proposed.
12. To ensure compliance with the requirements of State Environmental Planning Policy No 5 the letterboxes proposed shall be lockable.
13. To ensure compliance with the requirements of State Environmental Planning Policy No 5:
  - The garage doors provided to the individual garages within the basement shall be power-operated roller doors or alternatively a power point and an area for motor or control rods to enable a power operated door to be installed at a latter date shall be provided.
  - Entries to each dwelling must comply with clauses 4.3.1 and 4.3.2 of AS4299 and have entry door handle and other hardware that complies with AS1428.
  - All external doors to any one dwelling shall be keyed alike.
  - Each living room must have a telephone adjacent to a general power outlet and have a potential illumination level of at least 300 lux.
  - The main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be, at least one general outlet on the wall opposite the wall where the head of the bed is likely to be, a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and a potential illumination level of at least 300 lux.
  - The laundry shall be provided with thermostatic mixing valves of all hot water outlets and have a slip-resistant floor surface.
  - The storage cupboards shall be provided with adjustable shelving.

- Door hardware shall be located between 900mm and 1100mm above floor level and be able to be operated with one hand.
  - Balconies and external paved areas must have slip-resistant surfaces.
  - Electrical switches shall be located between 900mm and 1100mm above floor level and general purpose outlets located at least 600mm above floor level.
14. With regard to the proposed basement excavation the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - e. All excavations shall be properly guarded and protected as recommended by the Geotechnical Engineer to prevent them being dangerous to life or property.
15. To maintain residential amenity, all electrical services to the new buildings are to be provided underground and must not disturb the root system of any trees. The supply to the existing building may be preserved. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Certificate.
16. 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.

17. The internal, partial demolition of the existing dwelling is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
18. 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.
19. 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.
20. 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.
21. 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.
22. **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.
23. 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.
24. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
25. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

26. 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.
27. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
28. 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.

29. 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.
30. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

31. 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.
32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
33. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the stormwater drainage system.
34. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water from the driveway draining towards the street. The drainage line shall be connected to the street system.
35. For stormwater control all paved areas are to be drained to the main drainage system.
36. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system via the site detention/rainwater tank system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be via a suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
37. For stormwater control, an On-site Stormwater Detention system is to be provided in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council. The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s). If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis. All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge. The standard

Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

38. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
39. 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.
40. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with an area free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
41. The excavation and development works must be undertaken in accordance with the recommendations of the Geotechnical report to be prepared under the requirements of this consent.
42. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
43. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
44. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

45. In accordance with RTA requirements, all vehicles shall exit the site in a left turn movement only. In this respect, a (narrow) central concrete median shall be provided in Ku-ring Gai Avenue that limits access to the proposed driveway from Ku-ring Gai Avenue to a left-in and left-out basis only. The median is to be designed to not compromise existing access arrangements for nearby driveways. Unobstructed pedestrian access shall be maintained across Ku-ring Gai Avenue and shall be considered in the design.
46. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the designed conditions.
47. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

49. 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.

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

50. To ensure the new buildings proposed retain the existing character of the area and do not dominant the site, the external colours and finishes are to be sympathetic to the existing external colours and finishes of the existing building. A schedule of the proposed finishes for the new buildings shall be submitted to the Principal Certifying Authority with a statement from a qualified Heritage

Consultant confirming such schedule meets the intent of this condition prior to the release of a Construction Certificate.

51. The windows within the existing dwelling shall be retained and restored to enable the retention of the significance and setting of the dwelling. Double glazing shall be provided internally to the windows and glazed doors within a new frame along the western elevation. Alternatively double glazing may be provided within the existing window frames, if appropriate. Details shall be prepared and submitted to the Principal Certifying Authority with a report prepared by a Heritage Consultant prior to the release of a Construction Certificate. The report must discuss the alternatives available to achieve both sound insulation and retention of the existing fabric of the dwelling and the recommended solution
52. The screen at the entrance to the portico on the eastern elevation of the existing dwelling shall be restored and retained to enable the retention of original fabric. The screen shall be replaced after construction of the new window within this elevation. The new window shall be simple in design to enable distinction from the original fabric. Details shall be prepared and submitted to the Principal Certifying Authority with a report prepared by a Heritage Consultant prior to the release of a Construction Certificate..
53. A simple photographic record of the affected parts of the existing dwelling are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the Guidelines for Photographic Recording of Heritage Sites, Building and Structures prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

54. 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.
55. 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).

56. 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.
57. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 5 ADDITIONAL DWELLINGS IS CURRENTLY \$22,339.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New Library bookstock	\$17.95
4.	New Public Art	\$2.93
5.	Acquisition of Open Space - -Turramurra/Warrawee	\$1,966.00
6.	Koola Park upgrade and reconfiguration	\$143.09
7.	North Turramurra Sportsfield development	\$986.80
8.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9.	Section 94 Officer for period of Plan 2000-2003	\$118.42
10.	Preparation of New SEPP 5 Residents Kit	\$22.44

To obtain the total contribution figure the occupancy rate for all SEPP 5 developments is 1.3 persons

58. To ensure compliance with State Environmental Planning Policy No 5 plans indicating compliance with Clause 13A(11) and (13) in relation to the kitchen and bathroom within each unit shall be provided and approved by the Principal Certifying Authority prior to the release of a Construction Certificate.
59. To ensure the privacy and amenity of the eastern adjoining properties is maintained screen planting adjacent to the eastern boundary shall consist of semi-advanced species with a minimum planting height of 1.0 metre. Such details shall be provided on the Landscape Plan required to be submitted to the Principal Certifying Authority prior to the release of Construction Certificate.
60. Prior to issue of the Construction Certificate the Applicant must submit for approval by the Principal Certifying Authority a construction drawing design for the provision of on-site stormwater rainwater tank(s). These are to be designed to have a tank-space available volume which is sufficient to capture and retain the first 20mm of rainfall from the total roof area of the subject property after which tanks are to be designed to bypass and divert to the main drainage system. Appropriate first flush provisions are to be provided upstream from these tanks. Rainwater tanks are to be located so that they may be readily used for landscaping watering purposes. This condition is imposed in the interests of conserving water and re-using runoff for landscaping purposes.

NOTE 1: Maximum capacity of an individual rainwater tank to be 10,000 litres.

NOTE 2: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.

NOTE 3: Rainwater tanks must not be located on the front façade of a dwelling.

NOTE 4: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

61. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The

property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.

62. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention system. The design shall be The storage volumes and design shall comply with Councils Stormwater Management Manual and the relevant plumbing codes. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
63. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff and subsoil drainage. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
64. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
65. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

66. The Applicant must carry out the following infrastructure works in Ku-ring gai Avenue to ensure suitable provision for safe vehicular egress/ingress at the intersection with the Pacific Hwy:
- a. Construction of a central concrete median strip in Ku-ring gai Avenue that is designed to restrict access to the proposed driveway from Ku-ring gai Avenue to a left-in and left-out basis only. The median shall not compromise existing vehicular access arrangements for nearby driveways. A pedestrian route across Ku-ring gai Avenue, free from obstructions, shall be maintained by a suitable gap in the median. A pedestrian refuge shall be provided in the median. The median design shall be referred to Ku-ring gai Traffic Committee for consideration and shall be designed based on RTA technical directions.
  - b. Installation of parking restriction signage, dedicating a "No Stopping" zone designed to allow vehicles to turn left from the subject driveway into Ku-ring gai Ave without obstruction. The zone is to extend for a distance
  - c. Reconstruction of the existing concrete driveway and layback, and surrounding infrastructure. Existing footpath levels to be generally maintained.

This 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 road reserve, 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 required road reserve works, full engineering drawings (plans, sections and elevations) and specifications for the above infrastructure works are to be prepared by a suitably qualified and

experienced consulting engineer. These must be submitted and stamped by Council as the Roads Authority, prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council "Roads Act" approval. It is advised that the Applicant liaise with Council Traffic and Design Engineers when preparing the design. In addition, the drawings are to detail 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). When designing, consideration must be given to maintaining an unobstructed pedestrian path across Ku-ring gai Ave.

A minimum of four (3) weeks will be required for assessment of Roads Act plans. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate. An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees. Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

67. Prior to the issue of a Construction Certificate the applicant shall lodge a \$15,000 bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of all works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
  - a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
  - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
68. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions provided in common areas and within private parking areas comply with the following standards:
  - a. The State Environmental Planning Policy No 5 (particularly relating to height clearances and space dimensions); and
  - b. Australian Standard 2890.1 – 2004 "Off-street car parking".

69. Prior to issue of the Construction Certificate, the Applicant shall submit for approval by the Principal Certifying Authority (PCA), details for a stop/go traffic signal system to be installed in suitable locations on the internal driveway/basement parking area. The system shall be designed by a qualified civil/traffic engineer and must ensure that egressing vehicles are aware of approaching ingressing vehicles on the driveway ramp, and vice versa, so vehicles do not meet in conflict on the single lane ramped section of driveway.
70. Amended architectural plans shall be submitted indicating the retention of the following tree. The plans shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Tree/Location

*Jacaranda mimosifolia* (Jacaranda)  
/Western boundary adjacent to Unit 3

71. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.
72. To prevent overlooking into adjoining properties the landscape plan shall include screen planting that attains a height of 4 to 6 metres along the northern and eastern boundaries. The screen planting shall include a variety of species.
73. The property shall support a minimum number of 10 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
74. The 7 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.
75. To promote and conserve biodiversity at least 25% of the trees and shrubs to be planted shall be locally occurring species.
76. A cash bond/bank guarantee of \$10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

77. 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 final Certificate of Compliance, provided the trees are undamaged.

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

Tree/Location

*Jacaranda mimosifolia* (Jacaranda)  
/ Western boundary adjacent to Unit 3

78. 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.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO COMMENCEMENT OF ANY WORK

79. 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.
80. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
81. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

82. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
- a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
  - b. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
  - c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).



- d. The existing groundwater levels in relation to the basement structure, where influenced.
- e. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- f. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.

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

83. Prior to the commencement of any works on site, the Applicant shall produce a Traffic and Construction Management Plan, in general accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and the RTA ‘Traffic Control at Work Sites Manual’, addressing all of the following matters:

#### Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress
- b. Details of traffic control for the work site and advance warning signage, including provision of a flagperson to control vehicle movements to and from the site.
- c. How safe egress for vehicles will be managed during times where forward egress is not possible.
- d. How pedestrians will be safely managed across the frontage of the site.

#### Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a “No-Stopping” zone over the full site frontage on the Pacific Hwy.

#### RTA Concurrence

- a. Written evidence of consultation with and concurrence of the RTA (as Roads Authority for Pacific Highway) for the Traffic and Construction Management Plan prior to submission with Council.

#### Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate and prior to commencement of any work on the site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council. The traffic management measures contained in the approved plan shall be

implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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

Tree/Location

*Jacaranda mimosifolia* (Jacaranda)  
/ Western boundary adjacent to Unit 3.

*Eucalyptus nicholii* (Small Leaved Peppermint)  
/ Eastern boundary near the front entrance.

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

Tree/Location

Radius in Metres

*Liquidambar styraciflua* (Liquidambar)                      3 metres  
Southern boundary near front entrance.

86. 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.
87. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

88. 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.

89. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
90. Prior to issue of an Occupation Certificate the following works must be completed:
  - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
  - b. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.
  - c. All works approved in the Road Reserve

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

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

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

93. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:
- As constructed levels in comparison to design levels.
  - As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements.
  - As built locations of all pits and grates in the detention system, including dimensions.
  - The size of the orifice or pipe control fitted.
  - Dimensions of the discharge control pit and access grates.
  - The achieved capacity of the detention storage and derivative calculation.
  - The maximum depth of storage over the outlet control.
  - Top water levels of storage areas and RL's at overflow point(s).
94. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
  - c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall

show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
  - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
  - c. Gradients of drainage lines, materials and dimensions.
95. Prior to issue of an 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.
96. Prior to issue of an Occupation Certificate the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved Roads Act 1993 drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
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 (PCA).
98. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- a. The dimensions of all as-constructed private carparking spaces meet the dimension requirements of the SEPP 5, and
  - b. The as-constructed carpark complies with the approved Construction Certificate plans, and
  - c. The vehicular headroom requirements of:
    - the SEPP 5 for accessible parking spaces, and
    - Australian Standard 2890.1 - "Off-street car parking", and
  - d. The gradients of the constructed access driveway from the public street to the basement carpark are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
99. Prior to issue of an Occupation Certificate, the Applicant must create of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy No 5.

- b. People who live with such people as defined in (a) above.
  - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
100. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

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

*Against the Resolution:   Councillor Malicki and Andrew*

*The above Resolution was CARRIED as a Foreshadowed Motion to the Original Motion which was LOST. The Lost Original Motion was:*

*(Moved: Councillors Malicki/Bennett)*

*THAT Council, as the consent authority, refuse consent to Development Application No. DA 1239/02 for the erection of a SEPP 5 development on land at No 1225 Pacific Highway, Turramurra for the following reason:*

*1.   Vehicle Access*

*The development is unsatisfactory having regard to vehicular access to and from the site.*

*Particulars:*

- (i)   That the location of the proposed driveway crossing (category 1 driveway) does not comply with figure 3.1 of Australian Standard 2890.1 – 1993 Off street car parking – “Prohibited locations of driveways”. Although there is an existing driveway in this location (serving a single dwelling), the proposal represents a substantial increase in traffic generation to and from the subject site.*
- (ii)   Sight distances for exiting vehicles on the proposed driveway towards vehicles turning left from the Pacific Highway into Ku-ring gai Avenue are extremely limited.*
- (iii)   That the following manoeuvres are considered potentially dangerous for vehicles and pedestrians in this location:*
  - Vehicles travelling westbound on Ku-ring-gai Avenue seeking to turn right into the subject driveway crossing. This manoeuvre would be located very close to the intersection & create potential conflict with vehicles turning left from the Pacific Highway into Ku-ring-gai Avenue and pedestrians on the adjoining footpath.*
  - Vehicle seeking to gain access onto the Pacific Highway when exiting the subject site. This vehicle would need to drive through the intersection of the Pacific Highway, Ku-ring-gai Avenue and the*

*pedestrian footpath adjacent to the driveway crossing at a diagonal angle.*

- (iv) *That the RTA requires the driveway crossing to be 6 metres wide to allow the two-way movement of vehicles. It is not possible for the driveway to extend beyond the boundary alignment of the adjoining property to the east. Therefore, increasing the width of the crossing to 6 metres would require the crossing to extend further into the bend of the intersection and encroach further onto the pedestrian footpath parallel to the highway.*
- (v) *The grade of the driveway on plan 14602 is shown at 1 in 33 fall (3%). This grade is not feasible based on the survey plan submitted (drop of 1.1 metres over approximately 6 metres) and the site inspection (numerous scrape marks are evident). A lowering of the pedestrian footpath will not be permitted and transitions of the driveway must comply with Australian Standard 2890.1 – 1993 “Off-street car parking”.*

46 **Budget for 2004/2005 2nd Quarter Review as at 31 December 2004**

File: S03096

To present to Council the quarterly financial review for the half year ended 31 December 2004.

**Resolved:**

(Moved: Councillors Bennett/Cross)

That Council adopt the non-discretionary variations contained in the report with the following exceptions:

1. That options for reinstating the budget for the library books be brought to the next quarterly review.
2. That the money for children's books be reinstated and, if necessary, the money come from deferring the audio visual work.
3. That \$92,500 be transferred to the Superannuation Reserve.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

47 **Interim Heritage Orders - Request For Delegation To Issue**

File: S02017

Question Without Notice from Councillor T Hall

Given the number of significant IHOs resolved upon at this Meeting and the Mayor's stronger relationship with the relevant Minister, would the General Manager



investigate how this Council may obtain delegated authority under Section 25 of the Heritage Act? Currently, Ku-ring-gai Council is one of a small number of Councils with significant heritage/conservation LEPs that does not have this delegation.

**Answer by the Mayor**

The General Manager will investigate and report.

48      **Reduction Of Heavy Vehicles On Pacific Highway Between The Wahroonga F3 & Mona Vale Road Intersections**

File: S03569

Question Without Notice from Councillor T Hall

In order to support the Member for Ku-ring-gai's public request to the State Government to reduce or ban heavy vehicles on that section of the Pacific Highway between Wahroonga and Pymble when the Orbital Road System opens, would the General Manager refer the views of Mr O'Farrell to the Ku-ring-gai Traffic Committee for its consideration and advice?

**Answer by the Mayor**

The General Manager will get back to you.

49      **Council Meeting Briefings - Open To The Public**

File: S02499

Question Without Notice from Councillor E Malicki

Are the briefings before Council meetings going to be Open to the Public with the exception of legal issues, of course?

**Answer by the Mayor**

I made the mistake of calling them briefings, they are not actually briefings. They are just a question and answer session.

50      **"Council Means Business" Meeting Minutes**

Files: S02499, S02380, S04055

Question Without Notice from Councillor E Malicki

Are we to get Minutes of the "Council Means Business" meetings as promised and can we have notes on the lunch meeting with Mr Koperberg, please?

**Answer by the Mayor**

Certainly, the Minutes have been done. I was under the impression that they had been sent out this morning. They have been done. I will check on that tomorrow. As for the meeting with Mr Koperberg, there are no notes and there won't be any. It was more of a meet and greet but there is an official meeting coming on 10 March.

51 **Additional Heritage Advice Sought In Support Of Interim Heritage Order Application**

File: DA0991/04

Question Without Notice from Councillor L Bennett

Will Council seek additional heritage advice in support of the IHO application for Eastern Road?

**Answer by the Director Planning & Environment**

Yes.

52 **134 To 138 Eastern Road, Wahroonga**

File: DA991/04, DA480/00, DA1163/03

To address matters raised at the site inspection of 11 February 2005, and for Council to consider three applications for the "Holy Cross" site at 134 to 138 Eastern Road, Wahroonga.

NOTE: This item was dealt with in conjunction with item Nos GB.1, 2 and 3 (refer Minute Nos 41, 42 and 43).

*The Meeting closed at 8.30pm*

The Minutes of the Ordinary Meeting of Council held on 15 February 2005 (Pages 1 - 74) were confirmed as a full and accurate record of proceedings on 8 March 2005.

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General Manager

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Mayor / Chairperson