

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 16 OCTOBER 2007

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

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Operations (Greg Piconi)
Director Strategy (Steven Head)
Manager Urban Planning (Antony Fabbro)
Strategic Planner (Craig Wyse)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

397 APOLOGIES

File: S02194

Councillor M Shelley tendered an apology for non-attendance [illness] and requested leave of absence.

Resolved:

(Moved: Councillors Hall/Lane)

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

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

No such interest was declared.

398 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Ryan)

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

Refer GB.8 - Tryon Oval No 2 Sustainable Water & Playing Field Refurbishment Project To5/2006 - Attachments A, B & D.

Refer GB.11 - Draft Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Memorandum by Director Strategy dated 16 October 2007 - Legal Advice.

CARRIED UNANIMOUSLY

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: **Mayoral Minute - Wahroonga Village**

General Business Item - Refer GB.11 - Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development Draft Amendment 1 - Memorandum by Director Strategy dated 12 October 2007 & Attachment 3 - Draft Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development (Amendment No 1)

Memorandum: **General Business Item - Refer GB.11 - Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development Draft Amendment 1** - Memorandum by Director Strategy dated 16 October 2007 regarding further minor amendments to Attachment 3.

Correspondence: **General Business Item - Refer GB.2 - 132 to 138 Killeaton Street, St Ives - Adaptive re-Use of Former Monastery** - Letter from Masada College dated 16 October 2007 regarding additional Conditions to be included in Development Application.

Councillors Information: **Gordon Bowling Club** - Memorandum by Director Operations dated 27 September 2007 in reference to a Question Without Notice raised by Councillor A Ryan at the Council Meeting held 4 September 2007.

Horace Street, St Ives - Councillor Briefing - Memorandum by Director Operations dated 28 September 2007 in reference to a Ku-ring-gai Traffic Committee Recommendation, Minute No KTC8 & Council Minute No 345 of 4 September 2007 & to a Question Without Notice raised by Councillor E Malicki at the Council Meeting held 25 September 2007.

Public Meeting of Roseville Residents & Business Owners Association - Matters of Crime, Drug & Alcohol Abuse - Roseville Shopping Precinct - Memorandum by Director Community dated 3 October 2007 in reference to a Question Without Notice raised by Councillor M Shelley at the Council Meeting held on 14 August 2007.

Marian Street Theatre - Possible Use as a Regional Gallery - Memorandum by Director Community dated 4 October 2007 in reference to a Question Without Notice raised by Councillor T Hall at the Council Meeting held on 25 September 2007.

Council-owned Heritage Properties - Memorandum by Manager Urban Planning dated 9 October 2007 in reference to a Question Without Notice raised by Councillor J Anderson at the Council Meeting held on 24 July 2007.

Horace Street Traffic Facilities - Briefing - Memorandum by Director Operations dated 8 October 2007 in reference to a Question Without Notice raised by Councillor E Malicki at the Council Meeting held 25 September 2007.

Petition for the Construction of a New Footpath in Miowera Road, North Turramurra - Resolution of Ordinary Meeting of Council held 19 June 2007 - Memorandum by Director Operations dated 11 October 2007 in reference to the provision of wheelchair access to a resident from his residence in Miowera Road to Bobbin Head Road.

Photographs of Children on Council Documents - Statement of Written Permission - Memorandum by Director Community dated 12 October 2007 in reference to a Question Without Notice raised by Councillor M Shelley at the Council Meeting held 4 September 2007.

CONFIRMATION OF MINUTES

399 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 25 September 2007

Minutes numbered 351 to 396

Resolved:

(Moved: Councillors Hall/Lane)

That Minutes numbered 351 to 396 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

400 Wahroonga Village

File: S03125

In the past five years, the Wahroonga village and surrounding streets have become more congested, due mainly to increased population, development, schools and the success of the shopping centre.

The village has grown and become more successful, providing great local shopping along with more opportunities for residents to interact with each other.

Council has recently undertaken a major upgrade of the centre, installing a new roundabout, footpaths, landscaping and street furniture.

But we have not yet developed an overall master plan for the area to address traffic issues in the village and in surrounding streets, to ensure that we restrict rat run traffic routes and increase parking.

I believe we must maintain a village atmosphere at the centre but we also need improved parking, reduced traffic and more opportunities for social interaction, possibly including a small amount of open space.

I propose that Council engage a consultant to undertake a wide-ranging review of the centre and provide options for improving it.

This review would look only at making the centre more workable and accessible and would not canvass any plans for increasing development or changing any built form in the area.

I also propose that Council organise a community workshop at which residents, retailers and associated stakeholders can provide input to the review.

Resolved:

That Council organise a Community Forum to allow residents, retailers and other stakeholders to provide input to a Traffic & Parking Management Plan for the Centre. The Forum would be held before the end of November 2007. The results from the Forum be provided for discussion with the Planning Committee.

CARRIED UNANIMOUSLY

401 **Minister Sartor's Letter**

File: S04151

This week we have received the very unwelcome news that Planning Minister Frank Sartor is seeking to impose an external planning panel on Council.

In a letter to me, Mr Sartor has given Council 21 days to "show cause" why he should not appoint a panel to take over development of Ku-ring-gai's comprehensive Local Environment Plan and handle DAs valued over \$10 million or more than three months old.

Mr Sartor's letter contains many inaccurate claims about Council's performance in planning and development matters.

Councillors and staff are already working on a detailed response to these claims – and if common-sense prevails, we will be able to prove to the Minister that the proposal is totally unwarranted.

This Council has met the Government's every request on planning and development matters including completing our six centre plans on time. We have also slashed DA processing times by 70 per cent and halved our legal bills for planning matters.

The suggestion we are not providing for new housing growth is ludicrous considering there is \$1.7 billion worth of approved new development in Ku-ring-gai - more than any other NSW Council area apart from the City of Sydney.

This threat appears to be part of a broader strategy to centralise planning powers within the Department of Planning and over-ride the rights of local communities.

I want to assure all residents that Councillors will do everything we possibly can to stop this unjust and illogical proposal in coming weeks.

Resolved:

That Council:

- A. Express strong opposition to Minister Sartor's proposal to impose a planning panel on Council.

- B. Express concern over the inaccurate claims in the Minister's letter about Council's performance in planning and development matters.
- C. Prepare a detailed response to Mr Sartor's letter for submission to the Council Meeting of 30 October 2007.
- D. Continue to work closely with NSROC to co-ordinate region-wide opposition to Mr Sartor's plans to centralise planning powers within his department.
- E. Support Bradfield MP, Dr Brendan Nelson's public petition and any other petition against the Minister's proposal by making it available in the Council Chambers and Libraries.

CARRIED UNANIMOUSLY

PETITIONS

402

Opposition to Proposals in the Sir David Martin Reserve Masterplan which will lead to Increased Traffic & Parking Congestion in South Turramurra - (Forty-One [41] Signatures)

File: S04471

"In signing this petition we are, the undersigned, opposing those aspects of the Sir David Martin Reserve Masterplan which will lead to increased traffic and parking congestion at all times in South Turramurra.

(Some of those aspects include increasing the size or number of playing field in the area, either by converting and utilising the open space on Chisholm Street (the 'horse paddock') or amalgamation by acquiring adjoining properties, or increased lighting to playing fields that will attract an increase in night traffic to the area)".

Resolved:

(Moved: Councillors Malicki/Andrew)

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

CARRIED UNANIMOUSLY

403 **16 Stanhope Road, Killara - Petition to Oppose Demolition & Support the Heritage Listing of "St Helens" - (Seventy-Six [76] Signatures)**

File: DA1423/06

Petition presented by Councillor Adrienne Ryan:

"We, the undersigned, strongly oppose the demolition and support the heritage listing of "St Helens", 16 Stanhope Road, Killara for the following reasons:

- "St Helens" has been recommended by two Council heritage experts for heritage listing.
- "St Helens" is significant as a largely externally intact example of the Inter-War Georgian Revival Styles, within the important streetscape of Stanhope Road.
- "St Helens" has social significance for its part in the development of the suburb of Killara and essential to the streetscape of Stanhope Road as the southern entrance to the suburb of Killara. Stanhope Road is considered to be one of Ku-ring-gai's important streetscapes (1987 Heritage Study).
- "St Helens" setbacks, building form and architectural detail reflect the planning instruments and condition of early 20th Century development and the high social standing of the occupants of the houses within this Killara street, eg Doctors and JPs.
- "St Helens" contributes significantly to the established character and feel of the street, as being a street which features substantial intact mansions of quality. "St Helens" is representative of the upper middle class development of Killara during 1890-1930.
- "St Helens" lies in the Killara UCA 10 first identified by the National Trust in 1996 and subsequently studied by Godden MacKay Logan and Perumal Murphy Alessi Pty Ltd. Both reports supported heritage listing "St Helens" and recommended UCA status for Culworth Precinct No10 in which "St Helens" is situated".

Resolved:

(Moved: Councillors Ryan/Lane)

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

CARRIED UNANIMOUSLY

404 **MINUTES OF INSPECTIONS COMMITTEE**

Files: S04182, S05919

Meeting held 12 September 2007
Swain Gardens for Draft Landscape Masterplan

Resolved:

(Moved: Councillors Lane/Ryan)

That Minutes of the Inspection of Swain Gardens for Draft Landscape MasterPlan, circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS405 **132 to 138 Killeaton Street, St Ives - Adaptive re-Use of Former Monastery Building to Accommodate 3 Dwellings, Site Office & Gymnasium, Erection of 9 x 5-Storey Residential Flat Buildings accommodating 188 Dwellings, Basement Car Parking, Landscaping & Associated Site Works (Total of 191 Units)**

File: DA1253/06

Ward: St Ives
Applicant: Dasmin Pty Ltd
Owner: Dasmin Pty Ltd

To determine development application No.1253/06 for adaptive re-use of former monastery building to accommodate 3 dwellings, site office and gymnasium, erection of 9 x 5-storey residential flat buildings accommodating 188 dwellings, basement car parking landscaping & associated site works (total of 191 Units).

Motion:

(Moved: Councillors Bennett/Hall)

That a site inspection be conducted at the earliest possible opportunity.

The above Motion when put to the vote was LOST.

For the Motion: Councillors Andrew, Bennett, Hall & Malicki

Against the Motion: The Mayor, Councillor N Ebbeck, Councillors Cross, Lane, Ryan & Anderson

406

6, 8, 10, 12 & 14 Dumaresq Street, Gordon - Demolition of Five (5) Dwelling Houses & Construction of a Residential Flat Building comprising 45 Units, Communal Areas & Basement Car Parking for 84 Vehicles

File: DA0028/07

Ward: Gordon

Applicant: Futurespace

Owners: Mrs JF Leonard & Mrs BP Leonard, Ms J Hu & Ms XZ Salovara & Mr Shi-Xiang Zhang, Mr RG Donaldson, Mr GM Host, Mr EM Simko

To determine development application No 28/07, which seeks consent for the demolition of five (5) dwelling houses and construction of a residential flat building comprising 45 units, communal areas and basement car parking for 84 vehicles.

Resolved:

(Moved: Councillors Ryan/Lane)

THAT the Council, as the consent authority, grant development consent to DA 0028/07 for demolition of five (5) dwelling houses and construction of a residential flat building comprising 45 units, communal areas and basement car parking for 84 vehicles on land at 6 to 14 Dumaresq Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (alterations and additions)

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

Dwg No	Issue	Description	Drawn by	Dated	Lodged
DA-02	C	Site Plan	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-03	C	Level 1 Plan – Basement	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-04	C	Level 2 Plan – Basement	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-05	C	Level 3 Plan –Basement/ Units 3.01 & 3.02	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-06	C	Level 4 Plan – Ground floor & Communal areas	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-07	C	Level 5 Plan	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-08	C	Level 6 Plan	Futurespace Pty Ltd	10 Aug 2007	16 Aug 2007
DA-09	D	Level 7 Plan	Futurespace Pty Ltd	19 Sept 2007	24 Sept 2007
DA-10	D	Level 8 Plan	Futurespace Pty Ltd	19 Sept 2007	24 Sept 2007
DA-11	D	Roof Plan	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-13	C	Elevations north & west	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-14	C	Elevations south & east	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-15	D	Sections	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
DA-21	B	Street Elevation	Futurespace Pty Ltd	12 Sept 2007	14 Sept 2007
502.01A	F	Landscape Plan – General layout	Tramonte Jensen	13 Aug 07	22 Aug 2007
502.01B	F	Landscape Plan – planting layout	Tramonte Jensen	13 Aug 07	22 Aug 2007
502.02	F	Landscape Materials & Schedules	Tramonte Jensen	13 Aug 07	22 Aug 2007

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

GENERAL CONDITIONS:

2. No commercial use

No part of the approved building may be utilised for a commercial purpose. All services provided within the communal areas of the building shall be for the use of occupants of the development and their guests.

Reason: To ensure that communal areas on Level 4 of the development are used solely for the benefit of residents of the building, to protect residential amenity and to ensure that no commercial activity is carried out within the building.

3. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. A tree report prepared by Naturally Trees Aboricultural Consulting, dated 15/12/06, has been submitted. Tree numbers refer to this report.

Schedule

Tree location

Trees 82-189

Jacaranda mimosifolia (Jacaranda) Tree 195

Jacaranda mimosifolia (Jacaranda) Tree 197

Angophora costata (Sydney Red Gum) / Tree 190

Eucalyptus saligna (Sydney Blue Gum) / Tree 191

Jacaranda mimosifolia (Jacaranda) Tree 194

Jacaranda mimosifolia (Jacaranda) Tree 195

Jacaranda mimosifolia (Jacaranda) Tree 197

Camellia sasanqua (Chinese Camellia) Trees 199 and 200

Pittosporum undulatum (Sweet Pittosporum) Tree 206

Phoenix canariensis (Canary Island Palm) Tree 209

Stenocarpus sinuatus (Firewheel Tree) Tree 249

Camellia sasanqua (Chinese Camellia) Trees 250

Pittosporum undulatum (Sweet Pittosporum) Tree 270

Eucalyptus sp Tree 294

Trees 295-340

Jacaranda mimosifolia (Jacaranda) Tree 387

Eucalyptus saligna (Sydney Blue Gum) Tree 388

Eucalyptus saligna (Sydney Blue Gum) Tree 395

Pittosporum undulatum (Sweet Pittosporum) Tree 405

Araucaria heterophylla (Norfolk Island Pine) / Tree 396

Eucalyptus saligna (Sydney Blue Gum) Tree 406

Tree 460 - 772

Approved tree works

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

Removal

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

4. Arborist's report

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

Schedule Tree/location	Time of inspection
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 193	Commencement of excavation, stormwater lines within 6m of tree
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 196	Commencement of excavation, stormwater lines within 6m of tree
<i>Camellia sasanqua</i> (Chinese Camellia) Tree 198	Commencement of excavation, stormwater lines within 6m of tree
<i>Brachychiton acerifolius</i> (Flame Tree) Tree 201	Commencement of excavation, stormwater lines within 6m of tree
<i>Angophora costata</i> (Sydney Red Gum) Tree 203	Commencement of excavation, stormwater lines within 6m of tree
<i>Angophora costata</i> (Sydney Red Gum) Tree 205	Commencement of excavation, stormwater lines within 6m of tree
<i>Eucalyptus microcorys</i> (Tallowood) Tree 385	Commencement of excavation, stormwater lines within 6m of tree
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 401	Commencement of excavation, stormwater lines within 6m of tree

Reason: To ensure protection of existing trees

5. Tree removal on nature strip

Following removal of the following trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Schedule Tree location	Approved tree works
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 249	Removal
<i>Camellia sasanqua</i> (Chinese Camellia) Trees 250	Removal
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 460	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 472	Removal
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 473	Removal
<i>Cinnamomum camphora</i> (Camphor laurel) Tree 578	Removal
<i>Fraxinus excelsior</i> (Ash) Tree 696	Removal
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 697	Removal
<i>Cupressus species</i> (Cypress) Tree 699	Removal
<i>Cupressus species</i> (Cypress) Tree 700	Removal
<i>Cupressus species</i> (Cypress) Tree 701	Removal
<i>Camellia sasanqua</i> (Chinese Camellia) Trees 713	Removal

Reason: To protect the streetscape.

6. Treatment of tree roots

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

Reason: To protect existing trees.

7. Hand excavation

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

Schedule Tree/location	Radius from trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/Tree 193	10m
<i>Pittosporum undulatum</i> (Sweet Pittosporum) /Tree 196	4m
<i>Camellia sasanqua</i> (Chinese Camellia) /Tree 198	4m
<i>Brachychiton acerifolius</i> (Flame Tree)/Tree 201	2m
<i>Angophora costata</i> (Sydney Red Gum) /Tree 203	9m
<i>Angophora costata</i> (Sydney Red Gum) /Tree 205	6m
<i>Eucalyptus microcorys</i> (Tallowood) /Tree 385	5m
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/Tree 401	6m

Reason: To protect existing trees.

8. No storage of materials beneath trees

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

Reason: To protect existing trees.

9. Tree planting on nature strip

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

Schedule Tree/ species	Quantity	Location
<i>Syncarpia glomulifera</i> (Turpentine)	7	Dumaresq Street at approx 10m centres

Reason: To provide appropriate landscaping within the streetscape.

10. Removal of refuse

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

Reason: To protect the environment.

11. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

12. Stockpiling of top soil

Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

13. Temporary groundcover

On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species.

Reason: To protect the environment.

14. Vegetating steep slopes

Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**15. Notice to be given prior to demolition or excavation**

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

Reason: Statutory requirement.

16. Notice of commencement

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

Council.

Reason: Statutory requirement.

17. Notification of builder's details

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

Reason: Statutory requirement.

18. Dilapidation survey and report (private property)

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

Address

- 16 Dumaresq Street and the rear unit at 7 Moree Street
- Gordon Centre car park, 802-808 Pacific Highway, Gordon

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

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

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

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

19. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the

visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Lorne Avenue over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

20. Construction and traffic management plan

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

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

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

b) Traffic control plan(s) for the site

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

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

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

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

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

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

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

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

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

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

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

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

21. Work zone

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

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

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

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

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

22. Sediment controls

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

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

Reason: To preserve and enhance the natural environment.

23. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the

Principal Certifying Authority. The plan shall comply with the guidelines set out in the Landcom manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

24. Temporary construction exit

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

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

25. Noise and vibration management plan

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

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

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

- affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

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

26. Support for Council roads, footpaths, drainage reserves

Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

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

27. Amendments to approved landscape plan

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

Plan No.	Title	Drawn by	Dated
502.01A/F	Landscape Plan – general layout	Tramonte Jensen	13/08/07
502.01B/F	Landscape Plan – planting layout	Tramonte Jensen	13/08/07
502.02/F	Landscape Materials and Schedules	Tramonte Jensen	13/08/07

The above landscape plan(s) shall be amended as follows:

- Low shrub and groundcover landscape treatment to be shown to nature strip/ sloping bank in association to street tree planting between footpath and front fence.
- Existing street trees to be shown deleted and replaced with canopy trees as conditioned.
- Proposed planting of *Leptospermum laevigatum* (Tea Tree) 4m to southern boundary shall be substituted with species of similar size representative of Blue Gum High Forest community such as *Notolaea longifolia*, *Persoonia linearis* or *Pittosporum revolutum*.
- Steps at centre of rear yard to be deleted and replaced with ramp to enable disabled access through this communal open space area.

- Existing tree numbers to be clearly shown on both Landscape Plan – general layout and Landscape Plan – planting plan.
- Tree 198 to be shown on Landscape plans as being retained.
- Tree 209 and Tree 396 to be shown on Landscape Plans as being removed.
- Levels to private courtyards to Unit 3.01 (RL 104.8) and associated Top of Fence level(RL 106.3), Unit 3.02 (RL 104.8) to be shown at correct levels.
- To preserve streetscape and neighbour amenity, minimum 1.5m setback to substation is to be shown to allow sufficient area for screen planting along site boundary. Screen planting to substation along western boundary, that can attain 1.5m in height, to be provided.
- Two additional tall endemic canopy trees capable of attaining a minimum height of 13m, such as *Allocasuarina torulosa* (Forest Oak) or *Angophora floribunda* (Rough-barked Apple), are to be planted with a minimum spacing of 5m, to building along eastern site boundary.
- Three additional tall endemic canopy trees capable of attaining a minimum height of 13m, such as *Allocasuarina torulosa* (Forest Oak) or *Angophora floribunda* (Rough-barked Apple), are to be planted with a minimum spacing of 5m, to building along western site boundary.

Reason: To ensure adequate landscaping of the site

28. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

29. Excavation for services

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

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

30. Lot consolidation

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

must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

31. Stormwater management plan

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

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

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

Reason: To protect the environment.

32. Stormwater retention

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

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

Reason: To protect the environment.

33. Driveway crossing levels

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

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

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

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

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

34. Driveway grades – basement car parks

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

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

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

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

35. Basement car parking details

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

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

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

36. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council’s Development Engineer. The

plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Dumaresq Street:

- installation of 375mm diameter pipe to connect site with public drainage system
- construction of kerb inlet pit outside property.

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

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

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

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

37. Energy Australia requirements

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

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

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

38. Utility provider requirements

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

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

39. Long service levy

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

Reason: Statutory requirement.

40. Outdoor lighting

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

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

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

41. Air drying facilities

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

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

Reason: Amenity & energy efficiency.

42. Access for people with disabilities (residential)

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

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

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

43. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, 5.09, 6.09, 5.10, 6.10, 7.09, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

44. Garbage storage

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

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

45. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an

individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

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

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

46. Location of plant (residential flat buildings)

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

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

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

47. Builder's indemnity insurance

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

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

Reason: Statutory requirement.

48. External finishes and materials (new building)

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

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

Reason: To protect the streetscape and the integrity of the approved development.

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

49. Infrastructure restorations fee

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

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

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

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted

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

Reason: To maintain public infrastructure

50. Public liability insurance – works on public land

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

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

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

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

51. Section 94 contribution – residential development

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

Column A	Column B
community facilities	\$1117.76
park acquisition and embellishment works	\$8223.35
sportsgrounds works	\$1318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	\$100.04
Total contribution is:	\$862,646.25

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

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

52. Tree protection fencing

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

Schedule

Tree/location	Radius from trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/Tree 193	10m
<i>Pittosporum undulatum</i> (Sweet Pittosporum) /Tree 196	4m
<i>Camellia sasanqua</i> (Chinese Camellia) /Tree 198	4m
<i>Brachychiton acerifolius</i> (Flame Tree)/Tree 201	2m
<i>Angophora costata</i> (Sydney Red Gum) /Tree 203	9m
<i>Angophora costata</i> (Sydney Red Gum) /Tree 205	6m
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/Tree 401	6m

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during the construction phase.

53. Tree protection fencing excluding structure

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the proposed building 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:

Schedule

Tree/location	Radius from trunk
<i>Eucalyptus microcorys</i> (Tallowood) /Tree 385	10m

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase

54. Tree protection signage

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

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted

- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

55. Tree protection mulching

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

Reason: To protect existing trees during the construction phase.

56. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

57. Underground services

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

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

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

58. Approved plans to be on site

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

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

59. Prescribed conditions

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

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

Reason: Statutory requirement.

60. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

61. Demolition, excavation and construction work hours

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

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

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

62. Construction noise

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

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

63. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

64. Dust control

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

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

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

65. Use of road or footpath

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

Reason: To ensure safety and amenity of the area.

66. Guarding excavations

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

Reason: To ensure public safety.

67. Toilet facilities

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

Reason: Statutory requirement.

68. Protection of public places

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

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

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

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

Reason: To protect public places.

69. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time

- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

70. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

71. Engineering fees

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

Reason: To protect public infrastructure.

72. Post-construction dilapidation report

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

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

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

Reason: Management of records.

73. Further geotechnical input

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

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

Reason: To ensure the safety and protection of property.

74. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

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

Reason: To ensure the safety and protection of property.

75. Approval for rock anchors

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

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

76. Maintenance period for works in the public road

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

operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure

77. Road reserve safety

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

Reason: To ensure safe public footways and roadways during construction

78. Road repairs necessitated by excavation and construction works

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

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

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

Reason: To protect public infrastructure

79. Services

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

application involving any influence upon utility services provided by another authority.

Reason: Access to public utilities

80. Temporary rock anchors

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

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

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

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

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

81. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

82. Drainage to street

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

Reason: To protect the environment.

83. Grated drain at garage

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

Reason: Stormwater control.

84. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Co-Ordinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**85. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 115133M have been complied with.

Reason: Statutory requirement.

86. Clotheslines and clothes dryers

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

Reason: To provide access to clothes drying facilities.

87. Mechanical ventilation

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

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

88. Fire safety certificate

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

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

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

89. Retention and re-use positive covenant

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

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

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

Reason: To protect the environment.

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

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

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

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

91. Certification of drainage works (dual occupancies and above)

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

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

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

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

Reason: To protect the environment.

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

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

- as built (reduced) surface and invert levels for all drainage pits.

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

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

Reason: To protect the environment.

93. Basement pump-out maintenance

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

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

Reason: To protect the environment.

94. OSD positive covenant/restriction

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

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

footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To protect the environment.

95. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

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

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

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

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

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

97. Reinstatement of redundant crossings and completion of infrastructure works

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

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

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

Reason: To protect the streetscape.

98. Construction of works in public road – approved plans

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

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

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

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

99. Swimming pool/Spa

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

1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:
 - (a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and

- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.
2. Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that there is no increase in noise level at any point at the boundary with another property, including a public place. Prior to operation of the pool pump, the Principal Certifying Authority shall be satisfied that noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.

Note: Evidence from a practising acoustical engineer demonstrating compliance with the above shall be submitted to the Principal Certifying Authority prior to the operation of the pool.

Reason: To ensure the safety of children. To protect the amenity of surrounding properties.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

100. Outdoor lighting

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

Reason: To protect the amenity of surrounding properties.

101. Noise control – plant and machinery

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

Reason: To protect the amenity of surrounding residents.

102. Car parking

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

These requirements are to be enforced through the following:

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

Reason: To ensure adequate provision of visitor parking spaces.

103. Mechanical ventilation

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

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

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

Reason: To protect the amenity of surrounding properties.

104. Accessibility

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

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

tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

105. Completion of landscape works

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

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

106. Removal of noxious plants & weeds

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

Schedule

Plant species

Hedera sp. (Ivy)

Senna pendula (Cassia)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

Lantana camara (Lantana - Pink Flower)

Olea europaea subsp. africana (African Olive)

Cinnamomum camphora (Camphor laurel)

Tradescantia albiflora (Wandering Jew)

Reason: To protect the environment.

107. No door restricting internal waste collection in basement

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

Reason: Management of records.

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

Against the Resolution: Councillors Bennett & Malicki

407 **Ku-ring-gai Access Advisory Committee - Minutes of 16 August 2007**

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007.

Resolved:

(Moved: Councillors Lane/Ryan)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 16 August 2007 be received and noted.

CARRIED UNANIMOUSLY

408 **Disclosure of Interests Returns Register**

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File: S02167

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

Resolved:

(Moved: Councillors Ryan/Cross)

That the tabling of the Disclosure of Interests Returns Register be noted.

CARRIED UNANIMOUSLY

409 **Tryon Oval No 2 Sustainable Water & Playing Field Refurbishment Project To5/2006**

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File: S05506

Ward: Roseville

For Council to consider and accept the tender to undertake stormwater harvesting and refurbishment works at Tryon Oval No 2 in Lindfield Soldiers' Memorial Park.

Resolved:

(Moved: Councillors Anderson/Ryan)

- A. That ESD Land Management be appointed to undertake stormwater harvesting and refurbishment works at Tryon Oval No 2 as outlined in the report and their tender response.
- B. That the Mayor and General Manager be authorised to execute all necessary documents relating to the contract.
- C. That the Seal of Council be affixed to all necessary documents.
- D. That the works commence as soon as practicable after the issue of the letter of acceptance.
- E. That all tenderers be advised of Council's decision.

CARRIED UNANIMOUSLY

410

149 Pentecost Avenue, Turramurra - To Alter Terms of Council's Easement & Connection to Council Pipeline

File: DA595/06

Ward: Wahroonga

To consider a request by owner of No 149 Pentecost Avenue, Turramurra to alter the terms of the Council drainage easement over downstream properties to permit connection and discharge into a Council pipeline.

Resolved:

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

- A. That Council grant approval for the extinguishment of the existing easement over 103,105,107,109 and 111A Bobbin Head Road and creation of a new drainage easement of various widths over the existing pipeline.
- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of the drainage easement (including release and creation) and Council's legal costs and disbursements be borne by the applicant.

CARRIED UNANIMOUSLY

411 Provision of Dog Waste Bins & Bag Dispensers at Off-Leash Dog Areas

File: S06048

To advise Council on the provision of dog waste bins and bag dispensers at off leash dog areas.

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That Council continues to use 240 litre mixed litter stream mobile garbage bins for dog waste at all off leash areas and that specific dog waste bins be not used.
- B. That the frequency of collections is in accordance with Option 2 as outlined in Attachment B to this report and with such services generally be provided on a Monday and Thursday of each week.
- C. That the provision of bag dispensers and the supply of bags be implemented Bert Oldfield Oval (already in place), Golden Jubilee Oval (back field), Kissing Point Village Green, St Ives Showground (including cattle/dog rings) and Acron Oval in accordance with Option 2 of this report as a 12 month trial.
- D. That the cost for the service in accordance with option 2 be funded from the recurrent budget for park and sports field maintenance and that adjustments be made at the second quarter review period.
- E. That a report be brought back to Council in 12 months to report on the outcomes of the trial.

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

Against the Resolution: Councillors Bennett & Malicki

412 Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development Draft Amendment 1

File: S02073

The purpose of this report is to recommend to Council that the Draft Amendment 1 to Ku-ring-gai Section 94 Contributions Plan 2004-2009 be adopted.

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That Council adopt Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development – Amendment 1 (as amended) and that this adoption be advertised in accordance with the Environmental Planning and Assessment Regulation.
- B. Persons who made a submission be notified in writing of Council's decision.

CARRIED UNANIMOUSLY

- 413 **132 to 138 Killeaton Street, St Ives - Adaptive re-Use of Former Monastery Building to Accommodate 3 Dwellings, Site Office & Gymnasium, Erection of 9 x 5-Storey Residential Flat Buildings accommodating 188 Dwellings, Basement Car Parking, Landscaping & Associated Site Works (Total of 191 Units)**

File: DA1253/06

Ward: St Ives

Applicant: Dasmin Pty Ltd

Owner: Dasmin Pty Ltd

*Standing Orders were suspended to hear all Speakers
after a Motion moved by Councillors Hall & Anderson
was CARRIED UNANIMOUSLY*

The following members of the public addressed Council:

**L Rook
G Horton
E Sarich
K Turkington
S Robinson
S Gross**

To determine development application No.1253/06 for adaptive re-use of former monastery building to accommodate 3 dwellings, site office and gymnasium, erection of 9 x 5-storey residential flat buildings accommodating 188 dwellings, basement car parking landscaping & associated site works (total of 191 Units).

Resolved:

(Moved: Councillors Ryan/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 DA1253/06 for adaptive re-use of former monastery building to accommodate 3 dwellings, site office

and gymnasium, erection of 9 x 5 storey residential flat buildings accommodating 188 dwellings, basement car parking, landscaping and associated site works (total of 191 units) on land at 132 to 138 Killeaton Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
SITE PLANS		
AR DA 01 02 P1	Batessmart	01/05/07
AR DA 02 001 P3	Batessmart	25/09/07
AR DA 02 002 P1	Batessmart	02/05/07
AR DA 02 00 P2	Batessmart	06/09/07
AR DA 02 01 P2	Batessmart	06/09/07
AR DA 02 02 P2	Batessmart	06/09/07
AR DA 02 03 P2	Batessmart	06/09/07
AR DA 02 04 P2	Batessmart	06/09/07
AR DA 02 05 P2	Batessmart	26/09/07
BUILDING A1		
AR DA 02 20 P3	Batessmart	14/09/07
AR DA 05 20 P1	Batessmart	02/05/07
AR DA 06 20 P2	Batessmart	06/09/07
AR DA 06 20 P3	Batessmart	26/09/07
BUILDING A2		
AR DA 02 21 P3	Batessmart	14/09/07
AR DA 05 21 P1	Batessmart	02/05/07
AR DA 06 21 P2	Batessmart	06/09/07
AR DA 06 21 P3	Batessmart	26/09/07
BUILDING C		
AR DA 02 30 P3	Batessmart	13/09/07
AR DA 02 31 P3	Batessmart	13/09/07
AR DA 02 32 P3	Batessmart	13/09/07
AR DA 02 33 P2	Batessmart	02/05/07
AR DA 02 34 P3	Batessmart	14/09/07
AR DA 05 30 P1	Batessmart	02/05/07
AR DA 05 31 P1	Batessmart	02/05/07
AR DA 05 32 P1	Batessmart	02/05/07
AR DA 06 30 P2	Batessmart	06/09/07
AR DA 06 30 P3	Batessmart	26/09/07
BUILDING F1		
AR DA 02 40 P3	Batessmart	14/09/07
AR DA 05 40 P1	Batessmart	02/05/07
AR DA 06 40 P2	Batessmart	06/09/07
AR DA 06 40 P3	Batessmart	26/09/07
BUILDING F2		
AR DA 02 41 P3	Batessmart	14/09/07
AR DA 05 41 P1	Batessmart	02/05/07

AR DA 06 41 P2	Batessmart	06/09/07
AR DA 06 41 P3	Batessmart	26/09/07

BUILDING H1

AR DA 02 50 P2	Batessmart	28/08/07
AR DA 02 51 P3	Batessmart	14/09/07
AR DA 05 50 P1	Batessmart	02/05/07
AR DA 05 51 P1	Batessmart	02/05/07
AR DA 06 50 P2	Batessmart	06/09/07
AR DA 06 50 P3	Batessmart	26/09/07

BUILDING H2

AR DA 02 52 P2	Batessmart	28/08/07
AR DA 02 53 P3	Batessmart	14/09/07
AR DA 05 52 P1	Batessmart	02/05/07
AR DA 05 53 P1	Batessmart	02/05/07
AR DA 06 51 P2	Batessmart	06/09/07
AR DA 06 51 P3	Batessmart	26/09/07

BUILDING J1

AR DA 02 60 P2	Batessmart	28/08/07
AR DA 02 61 P3	Batessmart	14/09/07
AR DA 05 60 P1	Batessmart	02/05/07
AR DA 05 61 P1	Batessmart	02/05/07
AR DA 06 60 P2	Batessmart	06/09/07
AR DA 06 60 P3	Batessmart	26/09/07

BUILDING J2

AR DA 02 62 P2	Batessmart	28/08/07
AR DA 02 63 P3	Batessmart	14/09/07
AR DA 05 62 P1	Batessmart	02/05/07
AR DA 05 63 P1	Batessmart	02/05/07
AR DA 06 61 P2	Batessmart	06/09/07
AR DA 06 61 P3	Batessmart	26/09/07

BUILDING M

AR DA 02 10 P1	Batessmart	02/05/07
AR DA 02 11 P1	Batessmart	28/08/07
AR DA 05 10 P1	Batessmart	02/05/07
AR DA 05 11 P3	Batessmart	26/09/07

MANAGEABLE APARTMENTS

AR DA 2 70 P2	Batessmart	13/09/07
AR DA 2 71 P2	Batessmart	13/09/07

TYPICAL ROOF TOP PLANT

AR DA 06 70	Batessmart	12/09/07
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STAGE CONSTRUCTION PLAN

AR DA 07 01 P1	Batessmart	02/05/07
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COMPLIANCE PLANS

AR DA 01 10 P3	Batessmart	06/09/07
AR DA 01 11 P1	Batessmart	02/05/07

Document(s)

Audit of DA drawings - Manageable Housing Units, prepared by ILC Access	Dated 12 September 2007
Audi of DA drawings – Visitable Housing Units, prepared by ILC Access	12 September 2007
Stage 1 Preliminary Contamination Assessment for	

132-138 Killeaton Street, St Ives, prepared by Golder Associates	September 2001
Letter to Council regarding follow-up inspection of the site,	
prepared by Golder Associates	31 August 2007
Revised Waste Management Plan, prepared by Evans & Peck	30 August 2007
BASIX Certificates:	
133313M	
128244M	
19 April 2007	
19 April 2007	
Geotechnical Investigation, prepared by Jeffery and Katauskas Pty Ltd	30 October 2006
Assessment of Traffic and Parking Implications, prepared by	
Transport and Traffic Planning Associates	April 2007

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

2. Inconsistency between documents

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

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

3. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

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

4. Notice to be given prior to demolition or excavation

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

Reason: Statutory requirement.

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal

Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

7. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Killeaton Street between Mona Vale Road and Yarrabung Road.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

8. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between kerbs
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed

damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

Reason: To protect public infrastructure.

9. Dilapidation survey and report (private property)

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

Properties:

- 130, 140 and 142 Killeaton Street
- 7, 9, 11, 15 and 17 College Crescent
- the existing monastery building

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

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

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

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

10. Geotechnical report

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

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

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

Reason: To ensure the safety and protection of property.

11. Structural adequacy (the existing monastery building)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

12. Construction and traffic management plan

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

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

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

2. Traffic control plan(s) for the site

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

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

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

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

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

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

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

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

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

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

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

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

13. Sediment controls

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

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

Reason: To preserve and enhance the natural environment.

14. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

15. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

16. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management

plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

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

17. Construction entrance & exit

To preserve the row of *Brushbox* trees along the eastern side boundary, the existing driveway entrance located at the north eastern end of the site shall be blocked off and not used during the construction period.

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

Reason: To protect existing trees during the construction phase.

18. Tree protection fencing

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

Schedule

Tree No	Species / Location	Radius from Trunk
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)	3 metres
23, 24	2 x <i>Pinus radiata</i> (Monterey Pine)	4 metres
30, 32, 37	3 x <i>Eucalyptus elata</i> (River Peppermint)	4 metres
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	3 metres
54, 60, 62, 63	4 x <i>Lophostemon confertus</i> (Brushbox)	2 metres
64, 65, 66	3 x <i>Pinus radiata</i> (Monterey Pine)	4 metres
67, 68	2 x <i>Lophostemon confertus</i> (Brushbox)	4 metres
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)	4 metres
121, 122	2 x <i>Syncarpia glomulifera</i> (Turpentine)	3 metres
133	<i>Phoenix canariensis</i> (Canary Island Palm)	3 metres

Reason: To protect existing trees during the construction phase.

19. Tree protective fencing type galvanized mesh

The tree protection fencing 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 in height prior to work commencing.

Reason: To protect existing trees during construction phase.

20. Tree protection sign

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

- Tree protection zone
- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborists report
- The arborists report shall provide proof that no other alternative is available
- The arborists report shall be submitted to the principal certifying authority for further consultation with Council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

21. Tree protection mulching

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

Reason: To protect existing trees during the construction phase.

22. Tree Fencing Inspection

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

Reason: To protect existing trees during the construction phase.

23. Remediation Action Plan

A Remediation Action Plan, prepared in accordance with Council's Contaminated Land Policy, is to be submitted to Council and the Principal Certifying Authority prior to the commencement of bulk excavation.

Reason: To protect the environment.

24. Archaeology

Adequate protection must be given to the former stables/farm shed and other archaeological relics during construction works. No building materials or equipment is to be stored in the structure during construction works. A temporary fence must be built around the structure during the construction period.

Reason: The former stables/shed has archaeological potential and is subject to the relics provisions of the NSW Heritage Act. As no works to the structure is proposed in this application, the structure should not be damaged or removed during the works and must be protected from potential damage during the extensive construction period.

25. Former stables/shed

The former stables/shed shall be fenced off with a temporary fence constructed of galvanized pipe at 2.4m spacings and chain wire mesh fencing to minimum of 1.8m in height prior to work commencing. Machinery or building materials shall not be stored in the building.

Reason: To ensure the building is not damaged during construction work.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**26. Long service levy**

In accordance with Section 109F(i) of the Environmental Planning and Assessment

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

Reason: Statutory requirement.

27. Builder's indemnity insurance

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

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

Reason: Statutory requirement.

28. External finishes and materials (existing monastery building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes are consistent with the character of the existing monastery building.

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

Reason: To protect the character of the existing building.

29. External finishes and materials (new residential flat buildings)

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

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

Reason: To protect the streetscape and the integrity of the approved development.

30. Outdoor lighting

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

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

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

31. Air drying facilities

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

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

Reason: Amenity & energy efficiency.

32. Access for people with disabilities (residential)

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

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

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

33. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application,

[A1-G02, A2-G02, F1-102, F1-202, F1-302, F2-102, F2-202, F2-302, H1-102, H1-105, H1-202, H1-205, H1-302, H1-305, H2-102, H2-105, H2-202, H2-205, H2-302, H2-305], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

34. Stormwater management plan

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

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

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

Reason: To protect the environment.

35. Stormwater retention

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

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. In this case the site storage requirement may be calculated using 50% of the site area. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

36. Garbage storage

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

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

37. Noise from plant in residential zone

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

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

requirements.

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

38. Driveway grades – basement car parks

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

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

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

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

39. Basement car parking details

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

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

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

40. Car parking allocation

Car parking within the development (as shown on the approved plans) shall be

allocated in the following way:

Resident car spaces	352, including 20 adaptable dwelling spaces
Visitor spaces	48
Total spaces	400

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

41. Number of bicycle spaces

The basement car park shall provide 52 residential bicycle spaces and 20 visitor bicycle spaces as shown on the approved plans. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide alternative modes of transport to and from the site.

42. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer and/or the Roads and Traffic Authority (RTA) where required. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required:

- Footpath along Killeaton Street frontage and extending to Mona Vale Road
- Type 3 entry and exit driveway
- Concrete island at the intersection of Mona Vale Road and Killeaton Street (east).

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

The required plans and specifications are to be designed in accordance with the

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

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

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

43. Energy Australia requirements

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

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

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

44. Utility provider requirements

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

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

45. Underground services

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

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

46. Building Code of Australia - fire safety audit

An accredited certifier, building grade 1 or 2 (NSW or equivalent) is to be engaged to carry out a Building Code of Australia audit that is based upon inspections(s) of the building in terms of the deemed-to-satisfy fire safety provisions. (a list of accredited certifiers is available on the Department of Planning website.)

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) indicating compliance, non-compliance or not applicable in the circumstances.

The results of the audit are to be incorporated into a report and strategy to overcome the non-compliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia.

A schedule of existing (if applicable) and the proposed essential fire safety measures, including their standard performance must be included in the strategy.

The report and strategy must be submitted to and approved by Council's Compliance Officer prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety.

47. Driveway entrance details

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

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

- i) To preserve Tree 46 a *Eucalyptus saligna* (Sydney Blue Gum) located on the northern (front) boundary the driveway shall be located a minimum distance of 5 metres from the tree's trunk.

48. Engineering construction details

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering construction details for the basement car park, complies with the following requirements:

The engineering construction plans shall note the following details;

- i) To preserve the following trees the basement car park shall be excavated with near vertical angles. The side surfaces of the excavated basement shall be covered with water proof covers whenever work is not being carried out. All up slope run off shall be diverted away from the cut surfaces.
- ii) The construction details shall indicate the following trees on the plans.
- iii) The construction details shall indicate that the following trees are to be protected with no over excavation of the basement to take place.

Schedule

Tree No	Species
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)
23	<i>Pinus radiata</i> (Monterey Pine)
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)

49. Amendments to the approved landscape plan

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

Plan No.	Drawn by	Dated
LA-00, LA-01, LA-01b, LA-12, LA-15 - Revision B,	Anton James Design	06/09/07
LA-02, LA-03, LA-04, LA-05, LA-06, LA-07, LA-08, LA-09, LA-10, LA-11 - Revision C	Anton James Design	06/09/07

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

- i) To provide adequate visual, amenity to the adjoining property 1 additional tree shall be planted on the eastern side boundary adjacent to the F2 Building, between the 2 proposed Turpentine.
- ii) Delete 2 of proposed *Lophostemon confertus* (Brushbox) located at the eastern end of the nature strip as they will interfere with the existing Brushbox (Tree's 54, 60 & 62).
- iii) Replace the 11 x *Eucalyptus saligna* (Sydney Blue Gum) with 11 x *Angophora costata* (Sydney Red Gum).
- iv) Tree 51 - *Thuya plicata* (Giant Arborvitae) shall be retained.

Reason: To ensure adequate landscaping of the site.

50. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: The landscape plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

51. Excavation for services

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

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

52. Certification of existing interallotment drainage line

Prior to issue of the Construction Certificate, a CCTV inspection is to be carried out on the existing interallotment drainage pipes within the easements to Yarrabung Road and College Crescent. A suitably qualified and experienced civil/hydraulic engineer is to certify that

- any existing pipes within the interallotment drainage easement system to be utilised that are not to be reconstructed, are in satisfactory operating condition
- the existing pipes to be utilised have the hydraulic capacity to carry uncontrolled post-developed flows from the subject property as far as the approved point of discharge to the public drainage system

Where it is found that existing interallotment pipes do not exist, are in disrepair, or will have insufficient hydraulic capacity to carry additional uncontrolled flows from the approved development, the applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority, prior to issue of the Construction Certificate.

Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Ku-ring-gai Water Management Development Control Plan No. 47 and AS3500.3 Plumbing and Drainage Code. New

pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line. The following engineering details must be included:

- plan view of interallotment system to scale, showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information,
- longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- drainage system
- means to preserve the root systems of trees within 7 metres of the drainage system

Reason: To ensure satisfactory design of the interallotment drainage in accordance with relevant codes and Australian Standards.

53. Conservation/reuse of former Stables/Shed

The building must be conserved to plans and specifications prepared by an experienced conservation architect and reused for an appropriate facility for common use of the future residents. Acceptable uses include a common workshop area ("mens" shed), potting shed, garden shelter/BBQ area etc. Details to be submitted to the satisfaction of the accredited certifier prior to the issue of a construction certificate.

Reason: To ensure conservation and appropriate reuse of an early stables building.

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

54. Public liability insurance – works on public land

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

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

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

Reason: To ensure the community is protected from the cost of any claim for

damages arising from works on public land

55. Infrastructure restorations fee

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

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

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

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

Reason: To maintain public infrastructure.

56. Section 94 contribution – residential development

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

is required.

Column A	Column B
community facilities	\$ 493,770.48
park acquisition and embellishment works	\$ 2,904,188.10
sportsgrounds works	\$ 582,367.86
aquatic / leisure centres	\$ 12,289.485
traffic and transport	\$ 66,386.19
section 94 Plan administration	\$ 44,192.67

Total contribution is: \$4,103,194.40

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

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

56A. The following amendments are to be included in the Construction Certificate Plans:

- a. All balcony balustrades facing Masada College (being balconies in the southern elevation of Building H1, western most elevation of Building C, western elevation of Building F1 and western elevation of Building H2) shall be glazed with obscure glass.
- b. Level 4 external terraces facing Masada College shall not be trafficable being the:
 - i. Southern roof terrace to Building H1 — Apartments 401, 402, 403 and 404
 - ii. Western terrace Building C - Apartment 401
 - iii. Western terrace to Building F1 - Apartment 401 and 402
 - iv. Western terrace to Building H2 - Apartment 401
- c. Windows to stair well landings orientating to Masada College (in Building H1 and Building F1) shall be glazed with obscure glass up to a height of 1.5 metres measured above the floor level of each landing.
- d. The applicant is to install at their expense, a 2.1 metres high lapped treated pine fence along the site's several boundaries with Masada College, and both parties share any additional cost that might be incurred if the parties were to agree on a more expensive alternative, such as a masonry wall for example.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**57. Approved plans to be on site**

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

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

58. Engineering fees

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

Reason: To protect public infrastructure.

59. Prescribed conditions

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

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

Reason: Statutory requirement.

60. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

61. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 9.00am to 3.00pm Monday to Friday schooldays and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 3.00pm Monday to Friday schooldays, with regular breaks of 15 minutes each hour.

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

62. Construction noise

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

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

63. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

64. Dust control

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

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

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

65. Post-construction dilapidation report

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

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

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

Reason: Management of records.

66. Further geotechnical input

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

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

testing and monitoring programs

Reason: To ensure the safety and protection of property.

67. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

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

Reason: To ensure the safety and protection of property.

68. Use of road or footpath

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

Reason: To ensure safety and amenity of the area.

69. Guarding excavations

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

Reason: To ensure public safety.

70. Toilet facilities

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

Reason: Statutory requirement.

71. Protection of public places

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

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

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

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

Reason: To protect public places.

72. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

73. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

74. Approval for rock anchors

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

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

75. Maintenance period for works in public road

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

Reason: To protect public infrastructure.

76. Road reserve safety

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

Reason: To ensure safe public footways and roadways during construction

77. Road repairs necessitated by excavation and construction works

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

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

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

Reason: To protect public infrastructure.

78. Services

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

Reason: Provision of utility services.

79. Temporary rock anchors

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

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

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

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

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

80. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

81. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

82. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage lines benefiting the site. The interallotment lines must be covered by the necessary easements for drainage which may exist or need to be created under this consent.

Reason: To protect the environment.

83. Grated drain at garage

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

Reason: Stormwater control.

84. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or

landscape design.

Reason: Statutory requirement.

85. No storage of materials beneath trees

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

Reason: To protect existing trees.

86. Removal of refuse

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

Reason: To protect the environment.

87. Approved tree works

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

Tree No	Species	Approved tree works
1	<i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
2	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Remove
3 - 7	5 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
8	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Remove
9 - 18	10 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
20 - 22	2 x <i>Melaleuca armillaris</i> (Bracelet Honey Myrtle)	Remove
25	<i>Eucalyptus elata</i> (River Peppermint)	Remove
26 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
27	<i>Eucalyptus robusta</i> (Swamp Mahogany)	Remove
28 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
29	<i>Eucalyptus elata</i> (River Peppermint)	Remove
31	<i>Eucalyptus elata</i> (River Peppermint)	Remove
33	<i>Eucalyptus elata</i> (River Peppermint)	Remove
34 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
35 & 36	2 x <i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
38	<i>Acacia baileyana</i> (Cootamundra Wattle)	Remove
39 *	<i>Eucalyptus elata</i> (River Peppermint)	Remove
40	<i>Eucalyptus elata</i> (River Peppermint)	Remove
41	<i>Acacia sp.</i> (Wattle)	Remove
42 *	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	Remove
43 *	<i>Pistacia chinensis</i> (Pistacia)	Remove
44 *	<i>Cupressus torulosa</i> (Bhutan Cypress)	Remove
45 *	<i>Brachychiton populneus</i> (Kurrajong Tree)	Remove
47 - 50	4 x <i>Cupressus torulosa</i> (Bhutan Cypress)	Remove
52	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
53 *	<i>Lophostemon confertus</i> (Brushbox)	Remove
55	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
56	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Remove
57	<i>Flindersia australis</i> (Crow's Ash)	Remove
58	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Remove
59	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
61	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove

69 – 77	9 x <i>Lophostemon confertus</i> (Brushbox)	Remove
113	<i>Acacia elata</i> (Cedar Wattle)	Remove
114	<i>Acacia elata</i> (Cedar Wattle)	Remove
115	<i>Harpephyllum caffrum</i> (Kaffir Plum)	Remove
116 - 119	4 x <i>Eucalyptus scoparia</i> (Willow Gum)	Remove
120	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	Remove
124 – 126	3 x <i>Harpephyllum caffrum</i> (Kaffir Plum)	Remove
127	<i>Hakea salicifolia</i> (Willow Leafed Hakea)	Remove
128	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Remove
129	<i>Eucalyptus punctata</i> (Grey Gum)	Remove
130	<i>Agonis flexuosa</i> (Willow Myrtle)	Remove
131	<i>Eucalyptus resinifera</i> (Red Mahogany)	Remove
132	<i>Eucalyptus punctata</i> (Grey Gum)	Remove

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

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

88. Tree removal on nature strip

Following removal of the trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

89. Approved landscape plans

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

Plan No.	Drawn by	Dated
LA-00, LA-01, LA-01b, LA-12, LA-15 - Revision B,	Anton James Design	06/09/07
LA-02, LA-03, LA-04, LA-05, LA-06, LA-07, LA-08, LA-09, LA-10, LA-11 Revision C	Anton James Design	06/09/07

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

90. Arborists report

The trees to be retained shall be inspected, monitored and treated by an arborist with minimum qualification of AQF Level 5 during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule Tree No	Species	Time of Inspection
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)	During all construction works
23, 24	2 x <i>Pinus radiata</i> (Monterey Pine)	During all construction works

30, 32, 37	3 x <i>Eucalyptus elata</i> (River Peppermint)	During all construction works
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	During all construction works
51	<i>Thuya plicata</i> (Giant Arborvitae)	During all construction works
54, 60, 62, 63	4 x <i>Lophostemon confertus</i> (Brushbox)	During all construction works
64, 65, 66	3 x <i>Pinus radiata</i> (Monterey Pine)	During all construction works
67, 68	2 x <i>Lophostemon confertus</i> (Brushbox)	During all construction works
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)	During all construction works
121, 122	2 x <i>Syncarpia glomulifera</i> (Turpentine)	During all construction works
133	<i>Phoenix canariensis</i> (Canary Island Palm)	During all construction works

Reason: To ensure protection of existing trees.

91. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule

Tree No	Species
19, 21	2 x <i>Melaleuca styphelioides</i> (Prickly Paperbark)
23, 24	2 x <i>Pinus radiata</i> (Monterey Pine)
30, 32, 37	3 x <i>Eucalyptus elata</i> (River Peppermint)
46	<i>Eucalyptus saligna</i> (Sydney Blue Gum)
54, 60, 62, 63	4 x <i>Lophostemon confertus</i> (Brushbox)
64, 65, 66	3 x <i>Pinus radiata</i> (Monterey Pine)
67, 68	2 x <i>Lophostemon confertus</i> (Brushbox)
79 to 109	31 x <i>Lophostemon confertus</i> (Brushbox)
121, 122	2 x <i>Syncarpia glomulifera</i> (Turpentine)
133	<i>Phoenix canariensis</i> (Canary Island Palm)

Reason: To protect the environment.

92. Thrust boring

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

Schedule

Tree No	Species / Location	Radius from Trunk
88 to 93	6 x <i>Lophostemon confertus</i> (Brushbox)	6 metres
107 & 108	2 x <i>Lophostemon confertus</i> (Brushbox)	6 metres

Reason: To protect existing trees.

93. Archaeology

Due to the possibility of relics being contained within the site, during excavation works the application must ensure that should any historical relics be uncovered,

excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the Heritage Act, 1977 the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected areas) based on the nature of the discovery.

Reason: To ensure that the site is managed in accordance with the relics provision of the NSW Heritage Act so that if relics are uncovered they will be appropriately managed.

94 Garbage bin storage areas

The construction and finishes of the garbage bin storage areas is to comply with the recommendations contained within the Waste Management Plan dated 30/8/2007 prepared by Evans & Peck. The minimum floor to ceiling height of the storage rooms is to be at least 2.5m.

Reason: Environmental health.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

95. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate Nos.133313M & 128244M have been complied with.

Reason: Statutory requirement.

96. Clotheslines and clothes dryers

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

Reason: To provide access to clothes drying facilities.

97. Mechanical ventilation

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

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other

mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

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

Reason: To protect the amenity of surrounding properties.

98. Accessibility

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

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

Reason: Disabled access & services.

99. Retention and re-use positive covenant

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

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

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

Reason: To protect the environment.

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

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

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

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

101. Certification of drainage works

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

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

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

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

Reason: To protect the environment.

102. WAE plans for stormwater management and disposal

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

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

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

Reason: To protect the environment.

103. Basement pump-out maintenance

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

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

Reason: To protect the environment.

104. OSD positive covenant/restriction

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

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

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

Reason: To protect the environment.

105. Easement drainage line construction

Prior to occupation of the first stage of the development, the Principal Certifying Authority shall be satisfied that the required interallotment drainage system has been installed and surveyed under the supervision of a designing engineer or equivalent professional.

Note: At the completion of the interallotment works, the following must be submitted to the Principal Certifying Authority for approval:

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

Reason: To protect the environment.

106. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

107. Certification of as-constructed driveway/car park

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

- the as-constructed car park complies with the approved Construction Certificate plans

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

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

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

108. Reinstatement of redundant crossings and completion of infrastructure works

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

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

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

Reason: To protect the streetscape.

109. Construction of works in public road

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

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

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

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

110. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

111. Mechanical ventilation

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

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

112. Fire safety certificate

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

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

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

113. Completion of landscape works

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

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

114. Validation Report

Prior to occupation of the first stage of the development, a Validation Report shall be submitted to Council and the Principal Certifying Authority which confirms that the site is suitable for the proposed residential use.

Reason: To protect the environment.

115. Easement for waste collection

Prior to occupation of the first stage of the development, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

116. Traffic management measures required

The applicant is to construct a triangular concrete island at the intersection of Mona Vale Road and Killeaton Street (east). The island should be appropriately designed to channelise left-in/ left-out movements only at the Mona Vale Road/ Killeaton Street (east) intersection and be designed to ensure that it accommodates the turning paths of the largest vehicle likely to use Killeaton Street (east).

"Left Turn Only" signage should be installed within the proposed concrete island for vehicles approaching Mona Vale Road and the concrete island should be appropriately designed to include a pedestrian refuge.

Reason: To minimise the potential for dangerous vehicle movements at the intersection of Mona Vale Road and Killeaton Street.

117. Construction of footpath

The applicant shall construct a standard concrete footpath along the site's entire

Killeaton Street frontage and extend it further west to connect with Mona Vale Road.

Reason: To facilitate pedestrian desire lines to public transport.

118. No Stopping restrictions

Subject to Council's Local Traffic Committee's approval, the applicant shall install "No Stopping" restrictions along the site's entire Killeaton Street frontage, or along some reduced frontage as required by the Traffic Committee.

Reason: To provide adequate sight distance at the site exit.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

119. Gymnasium and site/body corporate office

The use of the gymnasium and site/body corporate office shall be ancillary to the use of the premises as a residential flat development at all times.

Reason: To ensure that the primary use of the premises is the approved use under this application and that any other uses are ancillary to the approved use.

120. Outdoor lighting

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

Reason: To protect the amenity of surrounding properties.

121. No door restricting internal waste collection in basement

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

Reason: To facilitate access to the garbage collection point.

122. Noise control – plant and machinery

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

a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

123. Car parking

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

These requirements are to be enforced through the following:

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

Reason: To ensure adequate provision of visitor parking spaces.

124. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

125. Unobstructed driveways and parking areas

At all times, all driveways and parking areas shall be unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

126. Conservation/reuse of former Stables/Shed

The building must be conserved and reused for an appropriate facility for common use of the residents. Acceptable uses include a common workshop area ("mens" shed), potting shed, garden shelter/BBQ area etc.

Reason: To ensure conservation and appropriate reuse of an early stables building.

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

Against the Resolution: Councillors Bennett & Malicki

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

(Moved: Councillors Bennett/Hall)

That a site inspection be conducted at the earliest possible opportunity.

414 **Companion Animals Advisory Committee - Minutes of 27 September 2007**

File: S03449

To submit Minutes of the Companion Animals Advisory Committee Meeting of 27 September 2007.

Resolved:

(Moved: Councillors Hall/Anderson)

That the notes of the Companion Animals Meeting dated 27 September 2007 be noted.

CARRIED UNANIMOUSLY

415 **MOTION OF DISSENT**

File: S03449

During debate on the above matter (Minute No 413 - Companion Animals Advisory Committee - Minutes of 27 September 2007), a Motion of Dissent was moved by Councillor Hall on the Mayor's ruling in relation to his original motion.

When put to the vote, the Motion of Dissent was LOST.

For the Motion of Dissent: Councillors Bennett & Hall

Against the Motion of Dissent: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Lane, Malicki, Ryan & Anderson

416 **Audited General Purpose & Special Purpose Financial Reports for the year ended 30 June 2007 & Auditor's Report**

File: S05767

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer Chartered Accountants for the year ended 30 June 2007 and to provide a summary of Council's financial performance and financial position at 30 June 2007.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants.
- B. That \$250,000 is transferred from unrestricted cash and \$175,000 from the Plant Replacement Reserve to the revenue funded carry-over works reserve, for plant replacement commitments of \$425,000 in 2006/2007 carried over to 2007/2008.

CARRIED UNANIMOUSLY

Councillor Malicki departed

417

Amendments to Development Control Plan No 56

File: S03673

To present to Council Draft Development Control Plan (DCP) No. 56 for consideration and exhibition.

Resolved:

(Moved: Councillors Hall/Anderson)

- A. That Draft Development Control Plan No. 56 – Notification, as attached, be placed on exhibition in accordance with the Environmental Planning and Assessment Regulation.
- B. That a report be brought back to Council for consideration following the exhibition period.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

The following item was dealt with after a
Motion moved by Councillor Andrew & the Mayor, Councillor Ebbeck
to have the matter dealt with at the meeting was CARRIED
and the Mayor ruled Urgency

418 **Late Motion - 2007 Local Government Association Conference,
Coffs Harbour**

File: S06132

Councillor Andrew raised this matter as urgent business because the Local Government Association Conference is to be held next week.

Resolved:

(Moved: Councillors Andrew/Ryan)

That Council seek to submit a Late Motion to the 2007 Local Government Association Conference in Coffs Harbour next week objecting to the State Government's use of external planning panels to deny local communities a voice on decisions affecting their future.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

419 **Town Centre Plans - Assistance of Independent Consultant**

File: S04151

Question Without Notice from Councillor J Anderson

Would the General Manager please provide an update on the search for an independent consultant to assist Council with Town Centre plans and to deal with unresolved matters such as Precinct P and others?

Answer by the Director Strategy

We have undertaken quite an extensive search to locate an appropriate consultant that hasn't had any prior involvement in any of the Town Centre planning processes. Unfortunately, to date we've been unable to find a consultant that we've been satisfied with that has the time and ability to be able to undertake that work, so unfortunately, we've been unable so far to appoint one. Given the letter from Minister Sartor that we have received over recent date, we may well need to review Council's commitment to that process.

420 **Identify Critical Endangered Blue Gum High Forest in Treatts & Wolseley Roads, Lindfield - Expedite Assessment of Report**

Files: S03349, 88/06142/04, 88/06234/04

Question Without Notice from Councillor J Anderson

Would the General Manager please advise Councillors how Staff intend to expedite assessment of the recently received report submitted to Council, identifying critically endangered Blue Gum High Forest in the Treatts and Wolseley Roads precinct?

Answer by the Director Strategy

Staff have begun to have a look at that process. At this point of time again given the letter from Minister Sartor, we are going to have to give that some consideration as to whether Council will at this stage be in a position to be able to progress that matter. So, that's something we will need to consider I would suggest over the next period of time.

421 **Alma Street Car Park - Placement of Signage at Alma Street & Grandview Lane, Pymble**

File: S02508

Question Without Notice from Councillor L Bennett

Can a sign be placed at the intersection of Alma Street and Grandview Lane indicating the availability of public car parking at the end of the Lane?

Answer by the Director Operations

No problem. I will arrange for a sign to be erected.

The Meeting closed at 9.49pm

The Minutes of the Ordinary Meeting of Council held on 16 October 2007 (Pages 1 - 100) were confirmed as a full and accurate record of proceedings on 30 October 2007.

General Manager

Mayor / Chairperson