

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 17 OCTOBER 2006

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

Staff Present: General Manager (John McKee)  
Acting Director Finance & Business (John Clark)  
Acting Director Development & Regulation (Matthew Prendergast)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Director Community Services (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Minutes Secretary (Christina Randall-Smith)

Others Present: N Mah Chut, Auditor - Spencer Steer, Chartered Accountants

*The Meeting commenced at 7.00pm*

*The Mayor offered the Prayer*

### 387 APOLOGIES

File: S02194

Councillor Andrew tendered an apology for non-attendance (work commitments) and requested leave of absence.

#### **Resolved:**

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

That the apology by Councillor Andrew 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.

Councillor Malicki declared a possible conflict of Interest in Item GB.2 - 25 Roland Avenue, Wahroonga - Torrens Title Subdivision into 4 Lots as the owner of the property assisted her during the Council elections.

## **MAYORAL PRESENTATION OF CHEQUES - 2006 FINANCIAL ASSISTANCE GRANTS TO COMMUNITY GROUPS**

The Mayor, Councillor Nick Ebbeck and Councillor Hall presented the cheques to the Community Groups.

The Mayor thanked the Community Groups for their efforts.

**Councillor Shelley arrived during Presentation**

## **ADDRESS THE COUNCIL**

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

D Graham  
P Dobrijevic  
G Priddle  
M Rowe

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

Late Items:           Refer Minute No 378 - Election of Chairpersons/Deputy Chairpersons - 2006 to 2007 Committees & Advisory Committees - Memorandum by Senior Governance Officer dated 16 October 2006.

Refer GB.1 - Lindfield Centre - Revised Draft Planning Controls for Precinct P - Area bounded by Wolseley Road, Treatts Road & Railway Corridor, Lindfield - Report & Attachments by Director Open Space & Planning dated 9 October 2006.

Refer GB.8 - Annual Financial Statements for the year ended 30 June 2006 - Attachment to Report.

Refer GB.13 - General Manager's Delegations - Report by Acting Director Finance & General Manager dated 12 October 2006.

Memorandums: Refer GB.1 - Lindfield Centre - Revised Draft Planning Controls for Precinct P - Area bounded by Wolseley Road, Treatts Road & Railway Corridor, Lindfield - Memorandum by Manager Urban Planning dated 17 October 2006 regarding additional information.

Refer GB.2 - 25 Roland Avenue, Wahroonga - Torrens Title Subdivision into 4 Lots - Memorandum by Acting Director Development & Regulation dated 17 October 2006.

Refer GB.3 - 1689 to 1693 Pacific Highway, Wahroonga - Demolition of the Existing Structures & Construction of a Residential Flat Building Containing 35 Units & Basement Parking for 49 Cars - Memorandum by Director Development & Regulation dated 17 October 2006.

Refer GB.4 - 2, 4 & 6 Bundarra Avenue, Wahroonga - Demolition & Construction of a Residential Flat Building Containing 36 Units & Basement Car Parking for 66 Cars - Memorandum by Director Development & Regulation dated 17 October 2006.

Refer GB.11 - Development Options of the Abandoned B2 Road Corridor, South Turramurra - Memorandum by Director Open Space & Planning dated 17 October 2006 regarding amendments to the report.

## **CONFIRMATION OF MINUTES**

### **388 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 26 September 2006  
Minutes numbered 359 to 386

#### **Resolved:**

(Moved: Councillors Hall/Cross)

That Minutes numbered 359 to 386 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception of Minutes numbered 372 & 378.

**CARRIED UNANIMOUSLY**

### **389 8 Squadron Court, Lindfield - Construction of a Two Storey Dwelling**

File: DA0039/06  
*Vide Minute No 372*

Ward: Roseville  
Applicant: Charleston Homes Pty Ltd  
Owners: Mrs F M De Zwarts & Mr J M De Zwarts

To determine development application No 39/06, which seeks consent for construction of a new two storey dwelling house. This matter has been called to full Council by Councillor Shelley.

**Resolved:**

(Moved: Councillors Hall/Cross)

That it be noted in Minute No 372 that Councillor Hall voted against the Resolution.

**CARRIED UNANIMOUSLY**

390 **Election of Chairpersons/Deputy Chairpersons - 2006 to 2007  
Committees & Advisory Committees**

File: S02355  
*Vide OMC378*

Part B of Minute No 378 of the Ordinary Meeting of Council of 26 September 2006, submitted for confirmation, is incorrect.

**Resolved:**

(Moved: Councillors Hall/Cross)

That it be noted that in Minute No 378 (B) that Council elect Councillor Malicki as Deputy Chairperson for the Planning Committee.

**CARRIED UNANIMOUSLY**

**Councillor Shelley withdrew**

**PETITIONS**

391 **Petition to Oppose the Reclassification of Community Land - (Seven Hundred [700] Signatures)**

File: S05476

"We, the undersigned, oppose the reclassification of Community Land around Ku-ring-gai retail centres.

We believe that land classified as Community Land should be retained in public ownership and be used to provide open space.

This land should be incorporated into a wider area of Community Land to retain and enhance the areas for past, present and future generations by the active use of conservation methods and appropriate development controls - as per the LGA 1993 No. 30, Section 36."

**Resolved:**

(Moved: Councillors Cross/Hall)

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

**CARRIED UNANIMOUSLY**

392     **245 to 247 Bobbin Head Road, North Turramurra - Support for Proposed IGA Mini-Market - (Fifteen [15] Signatures)**

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File: DA0509/06

"We, the undersigned, are in favour of the IGA mini-market proposed at North Turramurra. It will significantly improve the level of convenience for local residents and we urge Council to approve the proposal."

**Resolved:**

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

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

393     **1689 to 1693 Pacific Highway, Wahroonga - Demolition of the Existing Structures & Construction of a Residential Flat Building Containing 35 Units & Basement Parking for 49 Cars**

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File: DA0643/06

Ward: Wahroonga

Applicant: Bundarra Avenue Pty Ltd

Owners: David Wilkins, Elke Wagener, Cornelia Wagener, Bundarra Avenue Pty Ltd

To determine Development Application No. 643/06, which seeks consent for the demolition of the existing structures and construction of a residential flat building containing 35 units and basement parking for 49 cars.

**Resolved:**

(Moved: Councillors Cross/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 643/06 for demolition of existing buildings and the construction of a residential flat building containing 35 residential units and parking for 49 cars on land at 1689-1693 Pacific Highway, Wahroonga, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

**GENERAL CONDITIONS**

1. This consent relates to work shown in colour on plans numbered DA01-06, Comp\_01-\_02 and SA01, drawn by Wolski Lycenko and Brecknock and Associates, and endorsed with Council's approval stamp and Landscape Plans No. 26.06/071 and 26.06/72 drawn by Ian Jackson dated April 2006, except where amended by the following conditions:
2. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
3. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
4. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

5. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
8. To maintain existing ground levels all excavated material shall be removed from the site.
9. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
10. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
11. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate

professional standards and shall be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

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

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

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

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

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



18. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

- ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
29. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
31. Fire hoses are to be maintained on site during the course of demolition.
32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or

- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. The proposed location of the substation beneath the canopy drip line of tree #27 *Lophostemon confertus* (Brushbox) is not approved. The substation is to be located so that it is not located beneath the canopy drip line of any tree protected by Council's tree preservation Order to be retained.
36. Removal, or pruning of the following trees, is not approved as part of this Development Application:
- Tree/ Location
- #2 *Lagunaria patersonii* (Norfolk Is Hibiscus)  
Adjacent to Pacific Hwy frontage
- #2a *Acer palmatum* (Japanese Maple)  
Pacific Hwy nature strip
- #5 *Cedrus atlantica* 'Glaucous' (Blue Atlas Cedar)  
Adjacent to Pacific Hwy frontage
- #6a *Melaleuca stypheloides* (Prickly Leaf Paperbark)  
Pacific Hwy nature strip
- #6b *Plumeria rubra* var. *acutifolia* (Frangipani)  
Adjacent to Pacific Hwy frontage
- #8 *Jacaranda mimosifolia* (Jacaranda)  
Adjacent to eastern site frontage
- #8a *Lophostemon confertus* (Brushbox)  
Bundarra Ave nature strip
- # 9 (*Lophostemon confertus*) Brushbox.
- #27 *Lophostemon confertus* (Brushbox)  
Bundarra Ave nature strip
37. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:
- | Tree/Location  | Tree Works |
|--|------------|
| #1 <i>Cinnamomum camphora</i> (Camphor laurel)<br>Adjacent to F3 site boundary | Removal    |

#3 <i>XCuppressocyparis leylandii</i> 'Naylors Blue'	Removal
Adjacent to Pacific Hwy site frontage	
#3a <i>XCuppressocyparis leylandii</i> 'Naylors Blue'	Removal
Adjacent to Pacific Hwy site frontage	
#4 <i>Cedrus deodar</i> (Himalayan Cedar)	Pruning on northern side
only, to Adjacent to Pacific Hwy frontage works	accommodate building
#6 <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
Adjacent to Bundarra Ave street frontage	
#6c <i>Arecastrum romanzoffianum</i> (Cocco Palm)	Removal
Within proposed building footprint	
#6d <i>Arecastrum romanzoffianum</i> (Cocco Palm)	Removal
Within proposed building footprint	
#7 <i>Ceratopetalum gummiferum</i>	
(NSW Christmas Bush)	Removal
Within proposed driveway footprint	
#7a <i>Brachychiton acerifolius</i>	
(Illawarra Flame Tree)	Removal
Within proposed driveway footprint	
#10b <i>Schefflera actinophylla</i> (Umbrella Tree)	Removal
Within proposed building footprint	
#10c <i>Arecastrum romanzoffianum</i> (Cocco Palm)	Removal
Within proposed building footprint	
#10d <i>Arecastrum romanzoffianum</i> (Cocco Palm)	Removal
Within proposed building footprint	
#13 <i>Cinnamomum camphora</i> (Camphor laurel)	Removal
Within proposed building footprint	
#13a <i>Magnolia soulangeana</i> (Soul's magnolia)	Removal
Within proposed building footprint	
#13b <i>Cyathea australis</i> (Rough Tree Fern)	Removal
Within proposed building footprint	
38. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.	
<b>Tree/location</b>	<b>Time of inspection</b>
All existing trees located on site being retained	Prior to demolition At the completion of demolition

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

39. 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:

Tree/Location	Tree Works
#4 <i>Cedrus deodar</i> (Himalayan Cedar)	Pruning on northern side only, to Adjacent to Pacific Hwy frontage accommodate building works.
#9 <i>Eucalyptus saligna</i> (Bluegum)	Canopy and root pruning on southern side Adjacent to northern site boundary in only to accommodate works neighbouring property

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

Tree/Location	Radius From Trunk
#2 <i>Lagunaria patersonii</i> (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	3.0m
#2a <i>Acer palmatum</i> (Japanese Maple) Pacific Hwy nature strip	2.5m
#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 <i>Cedrus atlantica</i> 'Glaucua' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m

#6a <i>Melaleuca stypheloides</i> (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#6b <i>Plumeria rubra</i> var. <i>acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site frontage	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree/Location	Radius From Trunk
#9 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northern site boundary	8.0m

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

Tree/Location	Radius From Trunk
#2 <i>Lagunaria patersonii</i> (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	3.0m
#2a <i>Acer palmatum</i> (Japanese Maple) Pacific Hwy nature strip	2.5m
#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 <i>Cedrus atlantica</i> 'Glaucous' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6a <i>Melaleuca stypheloides</i> (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#6b <i>Plumeria rubra</i> var. <i>acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site frontage	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere

#27 *Lophostemon confertus* (Brushbox) 8.0m  
Bundarra Ave nature strip

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

Tree/Location	Radius From Trunk
#2 <i>Lagunaria patersonii</i> (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	3.0m
#2a <i>Acer palmatum</i> (Japanese Maple) Pacific Hwy nature strip	2.5m
#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 <i>Cedrus atlantica</i> 'Glaucua' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6a <i>Melaleuca stypheloides</i> (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#6b <i>Plumeria rubra</i> var. <i>acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site frontage	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

45. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

46. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Bundarra Ave. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Lophostemon confertus</i> (Brushbox)	1

47. 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.

48. 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.
49. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements of the Roads and Traffic Authority (RTA).
50. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
51. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
52. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
53. 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.
54. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council



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

55. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
56. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
57. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
58. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.
59. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
  - Appropriate excavation method and vibration control,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,

- Must be undertaken in accordance with the recommendations of the preliminary geotechnical appraisal by Geotechnique, the detailed geotechnical investigation carried out after demolition and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council and/or the RTA where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
60. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the preliminary appraisal by Geotechnique and the report prepared following the subsurface investigation. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
61. Detailed design plans and hydraulic calculations of any changes to the RTA's stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works:
- Details should be forwarded to:  
The Sydney Asset Management  
PO Box 558  
Blacktown NSW 2148
- A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement
62. The proposed development should be designed such that road traffic noise from the Pacific Highway and the Sydney-Newcastle F3 Freeway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met. The following internal noise objectives for all habitable rooms under ventilated conditions shall comply with the following requirements of the Building Code of Australia:

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

63. In order to maximise residential amenity and compliance with the requirements of DCP 55 and SEPP 65, a minimum dimension of 3m shall be provided in all bedrooms.

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

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

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

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

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

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

Minimum requirements:

- title page
- statement of reasons the recording was made
- site plan showing all structures on site
- Sketch of the floor plan showing the location of the camera for each photograph
- Black & White archival quality photographs, contact prints and selected prints (one copy of negatives other copies with contact sheets and selected prints).

Digital images and CDs may be submitted as supplementary information.

65. In order to ensure consistency with the streetscape, a more recessive neutral colour shall be adopted for the top storey of the building. Details shall be submitted to the satisfaction of the PCA prior to issue of the Construction Certificate.

66. In order to maximise safety and security in accordance with Part 4.6 of DCP 55, details of the proposed lighting along pedestrian paths shall be submitted to the satisfaction of the PCA prior to issue of the Construction Certificate
67. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

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

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

- b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
72. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

#### TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 32

ADDITIONAL DWELLINGS IS CURRENTLY \$522,385.53. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

Tree/Location	Radius From Trunk
#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	8.0m
#5 <i>Cedrus atlantica</i> 'Glaucua' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6a <i>Melaleuca stypheloides</i> (Prickly Leaf Paperbark) Pacific Hwy nature strip	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

74. An amended plan of the proposed landscape works consistent with the landscape plan 26.06/072 prepared by Ian Jackson dated April 2006, subject to the amendments as specified shall be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- Tree #9 *Eucalyptus saligna* (Bluegum) adjacent to the northern site boundary is to be shown to be retained, and the surrounding planting changed accordingly. Existing levels and grades beneath the canopy drip line are to be retained.
- The north point is to be shown correctly.
- Three additional tall trees in scale with the development are to be planted adjacent to the northern site boundary between the boundary and the proposed building.
- The substation relocation as specified is to be shown on plan.
- Additional screening shrubs/small trees capable of attaining heights between 4.0 - 8.0m are to be planted adjacent to the northern site boundary to provide screening between proposed developments.

75. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction

Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

76. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	\$2,000.00
#5 <i>Cedrus atlantica</i> 'Glaucous' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	\$1,000.00
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	\$1,000.00
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	\$2,000.00

77. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a

copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

78. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. 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 clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.
  - If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.
79. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.



- The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.
80. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
81. 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.
  - RTA approval for connection to the underground drainage system in the F3 Freeway reserve.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - Water quality measures.
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
  - The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept plans by AFCE

Environment + Building submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

82. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans **approved by Council** engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Bundarra Avenue:

- Road shoulder for the full frontage of the development
- Upright kerb and sandstone facing (or alternative as approved) to the existing bank for the full frontage of the development
- Regrading of the nature strip to allow for construction of a layback and vehicular crossing which complies with Council's specifications and AS2890.1:2004.

This Development Consent under the EP&A Act does **NOT** give approval to these works in the road reserve. **Ku-ring-gai Council must issue a separate consent under section 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 the formal written consent 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 stamped Council *Roads Act 1993* approval.**

A minimum of three (3) weeks will be required for Council to assess *Roads Act* submissions. Early submission 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.

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

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

84. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
85. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
86. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
87. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#2 <i>Lagunaria patersonii</i> (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	3.0m
#5 <i>Cedrus atlantica</i> 'Glaucous' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	5.0m
#6b <i>Plumeria rubra</i> var. <i>acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site frontage	2.5m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

88. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed residential flat 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:

Tree/Location	Radius From Trunk
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#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	8.0m
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#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	10.0m
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89. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
90. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
91. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
92. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

Tree/Location	
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#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	
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#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
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#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
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#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m
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93. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood

timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

#4 *Cedrus deodar* (Himalayan Cedar)

Adjacent to Pacific Hwy frontage

#8a *Lophostemon confertus* (Brushbox)

Bundarra Ave nature strip

#27 *Lophostemon confertus* (Brushbox)

Bundarra Ave nature strip

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

Tree/Location	Radius From Trunk
#2 <i>Lagunaria patersonii</i> (Norfolk Is Hibiscus) Adjacent to Pacific Hwy frontage	3.0m
#4 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Pacific Hwy frontage	4.0m on northern side 8.0m elsewhere
#5 <i>Cedrus atlantica</i> 'Glaucous' (Blue Atlas Cedar) Adjacent to Pacific Hwy frontage	6.0m
#6b <i>Plumeria rubra</i> var. <i>acutifolia</i> (Frangipani) Adjacent to Pacific Hwy frontage	2.0m
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site frontage	3.0m
#8a <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	5.0m
#9 <i>Eucalyptus saligna</i> (Bluegum) Northern site boundary in neighbouring property	6.0m on southern side 10.0m elsewhere
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

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

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

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

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

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

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

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

- Light traffic roads and those subject to a load or height limit must be avoided at all times unless otherwise approved.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- No construction access is to be gained to the site via Woonona Avenue or Everett Way.
- Construction vehicles are restricted to left in/left out movements from the intersection of Bundarra Avenue with the Pacific Highway.
- Arterial roads shall be used by construction vehicles to prevent safety impacts and disruptions to the Wahroonga Village shopping centre and local schools.

In addition, the plan must address:

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

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

To maintain access in Bundarra Avenue, the applicant is to install "No Parking" signs along the eastern side of Bundarra Avenue which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Bundarra Avenue, the maintenance and subsequent removal of the signs would be carried over to the other developer.

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

installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

98. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- Full road pavement width, including kerb and gutter of Bundarra Avenue over the site frontage.
  - Pacific Highway southbound including intersection with Bundarra Avenue.
  - F3 Freeway verge and off ramp for site frontage.
  - All driveway crossings and laybacks in Bundarra Avenue opposite the subject site.
  - The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

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

99. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below proposed basement level. The report is to address such matters as:
- Appropriate excavation methods and techniques,
  - Vibration management and monitoring,
  - Support and retention of excavated faces,
  - Hydrogeological considerations,

The recommendations of the report are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved prior to the commencement of bulk excavation works.

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

100. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to the PCA confirming floor/ceiling levels and boundary setbacks prior to occupation.



101. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
102. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required at the specified times. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
103. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
104. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
105. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
  - All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.
106. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of

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

107. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
108. Prior to issue of the Occupation Certificate an easement for waste collection is to be created under Section 88B or 88E 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 Ku-ring-gai Council.
109. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - A copy of any works-as-executed drawings required under this consent
  - The Engineer's certification of the as-built system.
  - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
110. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the

Council stamped *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by Council at the hold points noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.

111. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
112. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
  - That the as-constructed car park complies with the approved Construction Certificate plans.
  - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided.
  - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - That traffic signals are provided where necessary on the internal driveway ramps.
  - That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”,
    - 2.5m 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.
113. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans and the requirements of the RTA.
- That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- The following certification sheets **must be accurately completed and attached** to the certification:
  - Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

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

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

- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
- The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

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

#### ADVICE

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

**CARRIED UNANIMOUSLY**

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**2, 4 & 6 Bundarra Avenue, Wahroonga - Demolition & Construction of a Residential Flat Building Containing 36 Units & Basement Car Parking for 66 Cars**

File: DA0644/06

Ward: Wahroonga

Applicant: Bundarra Avenue Pty Ltd

Owners: Yi Tan Tong, Gillian Watson, Adam Stewart

To determine development application No. 644/06, which seeks consent for the demolition and construction of a residential flat building containing 36 units and basement parking for 66 cars.

**Resolved:**

(Moved: Councillors Cross/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 644/06 for demolition and construction of a residential flat building containing 36 residential dwellings and car parking for 66 cars on land at 2-4 Bundarra Avenue, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

## GENERAL CONDITIONS

1. This consent relates to work shown in colour on plans numbered DA01 and DA01, DA03a-DA05a and DA06-DA10, Comp\_01-\_02 and SA01, drawn by Wolski Lycenko and Brecknock and Associates, and endorsed with Council's approval stamp and Landscape Plans No. 26.06/071 and 26.06/73 drawn by Ian Jackson dated April 2006, except where amended by the following conditions:
2. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
3. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
4. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

5. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
8. To maintain existing ground levels all excavated material shall be removed from the site.

9. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
10. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
11. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards and shall be properly guarded and protected to prevent them from being dangerous to life or property.
14. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

18. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.



22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

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

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

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

25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.

- a A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
  - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
  - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.

29. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
31. Fire hoses are to be maintained on site during the course of demolition.
32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location

#10 *Eucalyptus saligna* (Bluegum)  
Adjacent to south-western site corner

#11 *Eucalyptus saligna* (Bluegum)  
Adjacent to rear site boundary

#12 *Eucalyptus saligna* (Bluegum)  
Centrally located in rear setback

#16 *Camellia sasanqua* (Chinese Camellia)  
Adjacent to eastern site boundary

#18a *Jacaranda mimosifolia* (Jacaranda)

Adjacent to north-east site corner

#19 *Eucalyptus saligna* (Bluegum)

Adjacent to north-east site corner

#23 *Eucalyptus pilularis* (Blackbutt)

Adjacent to western site boundary in F3 corridor

#24 *Eucalyptus pilularis* (Blackbutt)

Adjacent to western site boundary in F3 corridor

#25 *Corymbia maculata* (Spotted Gum)

Adjacent to western site boundary in F3 corridor

#26 *Jacaranda mimosifolia* (Jacaranda)

Centrally located in rear setback

#27 *Lophostemon confertus* (Brushbox)

Bundarra Ave nature strip

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

Tree/Location	Tree Works
#9a <i>Morus nigra</i> (Mulberry) Within proposed building footprint	Removal
#10a <i>Eriobotrya japonica</i> (Loquat) Adjacent to south-west site corner	Removal
#14 <i>Acacia saligna</i> (Orange wattle) Bundarra Ave nature strip	Removal
#14a <i>Ceratopetalum gummiferum</i> (NSW Christmas Bush) Adjacent to eastern site boundary	Removal
#17 <i>Jacaranda mimosifolia</i> (Jacaranda) Within proposed driveway footprint	Removal
#18 <i>Lophostemon confertus</i> (Q'ld Brushbox) Bundarra Ave nature strip	Removal
#20 <i>Cinnamomum camphora</i> (Camphor laurel) Within proposed building footprint	Removal
#21 <i>Jacaranda mimosifolia</i> (Jacaranda) Within proposed building footprint	Removal
#22 <i>Pittosporum undulatum</i> (Native Daphne) Within proposed building footprint	Removal

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

Tree/location	Time of inspection
All existing trees site being retained located on site and Council's nature strip	Prior to demolition At the completion of demolition Prior to excavation works At the completion of excavation works Prior to the start of construction works
At three monthly intervals during construction	At the completion of construction works At the completion of all works on site

38. 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:

Tree/Location	Tree Works
#9 <i>Eucalyptus saligna</i> (Bluegum)	Root pruning to accommodate works
Adjacent to southern site boundary in front setback	Canopy pruning on northern and southern sides only to accommodate building works only. Upper canopy to be retained with the exception of dead wooding.

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

Tree/Location	Radius From Trunk
#9 <i>Eucalyptus saligna</i> (Bluegum)	5.0m on northern side
Adjacent to southern site boundary in front setback	10.0m elsewhere

#10 <i>Eucalyptus saligna</i> (Bluegum)\	10.0m
Adjacent to south-western site corner	
#11 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to rear site boundary	
#12 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Centrally located in rear setback	
#16 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to eastern site boundary	
#18a <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to north-east site corner	
#19 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to north-east site corner	
#23 <i>Eucalyptus pilularis</i> (Blackbutt)	5.0m
Adjacent to western site boundary in F3 corridor	
#24 <i>Eucalyptus pilularis</i> (Blackbutt)	5.0m
Adjacent to western site boundary in F3 corridor	
#25 <i>Corymbia maculata</i> (Spotted Gum)	5.0m
Adjacent to western site boundary in F3 corridor	
#26 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Centrally located in rear setback	
#27 <i>Lophostemon confertus</i> (Brushbox)	8.0m
Bundarra Ave nature strip	

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

Tree/Location	Radius From Trunk
#9 <i>Eucalyptus saligna</i> (Bluegum)	5.0m on northern side
Adjacent to southern site boundary in front setback	10.0m elsewhere
#10 <i>Eucalyptus saligna</i> (Bluegum)	10.0m
Adjacent to south-western site corner	
#11 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to rear site boundary	
#12 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Centrally located in rear setback	
#16 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to eastern site boundary	
#18a <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to north-east site corner	
#19 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to north-east site corner	

#23 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located in rear setback	5.0m
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

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

Tree/Location	Radius From Trunk
#9 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to southern site boundary in front setback	5.0m on northern side 10.0m elsewhere
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-western site corner	10.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear site boundary	6.0m
#12 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear setback	6.0m
#19 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to northeast site corner	6.0m
#23 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located in rear setback	5.0m
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

43. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

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

Tree Species	Quantity
<i>Lophostemon confertus</i> (Q'ld Brushbox)	5

45. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
46. The 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.
47. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements of the Roads and Traffic Authority (RTA).
48. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
49. In addition to the mandatory rainwater retention and re-use system provided, an **on-site** leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
50. 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.
51. 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.

52. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of 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.
53. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
54. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
55. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
56. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.



57. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation method and vibration control,
- Support and retention of excavated faces,
- Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the preliminary geotechnical appraisal by Geotechnique, the detailed geotechnical investigation carried out after demolition and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council and/or the RTA where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

58. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the preliminary appraisal by Geotechnique and the report prepared following the subsurface investigation. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

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

59. The proposed development should be designed such that road traffic noise from the Pacific Highway and the Sydney-Newcastle F3 Freeway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met. The following internal noise objectives for all habitable rooms under ventilated conditions shall comply with the following requirements of the Building Code of Australia:

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

61. In order to comply with Part 4.3 Clause C-7 of DCP and to ensure maximum opportunity for planting within the streetscape, the courtyard areas associated with proposed units 6 and 7, located within the front setback, shall be deleted.

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

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

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

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

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

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

Minimum requirements:

- title page
- statement of reasons the recording was made
- site plan showing all structures on site
- sketch of the floor plan showing the location of the camera for each photograph
- Black & White archival quality photographs, contact prints and selected prints (one copy of negatives other copies with contact sheets and selected prints).

Digital images and CDs may be submitted as supplementary information.

63. In order to ensure consistency with the streetscape, a more recessive neutral colour shall be adopted for the top storey of the building. Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.
64. In order to maximise safety and security in accordance with Part 4.6 of DCP 55, details of the proposed lighting along pedestrian paths. Details shall be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate.
65. The courtyards within 6m of the side and rear boundary, to units 2, 3, 7 and 8 shall be deleted in order to provide common open space 6m in width and to maximise the opportunity for deep soil planting in accordance with DCP 55 Part

4.3 C-1 (a). The approved landscape plans shall be amended to include additional tall canopy trees along the northern site boundary.

66A. In order to maximise area for deep soil planting within the front setback and to reduce visual impact, courtyards adjacent the Bundarra Avenue frontage shall be set back a minimum of 10m from the street boundary and courtyard/retaining walls shall not exceed 500mm in height.

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

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

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

68. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

69. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
70. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
71. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

72. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. 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 clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.
  - If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment must incorporate the driveway crossing levels as issued by Council upon prior application.
73. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.
74. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A qualified and experienced

civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

75. 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.

RTA approval for connection to the underground drainage system in the F3 Freeway reserve.

Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).

Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.

Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.

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

Water quality measures.

The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

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

76. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer and the plans approved by Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Bundarra Avenue:

- Road shoulder for the full frontage of the development
- Frontage of the development
- Regrading of the nature strip to allow for construction of a layback and vehicular crossing which complies with Council's specifications and AS2890.1:2004.

This Development Consent under the EP&A Act does NOT give approval to these works in the road reserve. Ku-ring-gai Council must issue a separate consent under section 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 the formal written consent 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 stamped Council Roads Act 1993 approval.

A minimum of three (3) weeks will be required for Council to assess *Roads Act* submissions. Early submission 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.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 34 X  
ADDITIONAL DWELLINGS IS CURRENTLY \$627,252.72.

The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in

accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

Tree/Location	Radius From Trunk
#9 <i>Eucalyptus saligna</i> (Bluegum)	5.0m on northern side
Adjacent to southern site boundary in front setback	10.0m elsewhere
#12 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Centrally located in rear setback	
#16 <i>Camellia sasanqua</i> (Chinese Camellia)	4.0m
Adjacent to eastern site boundary	
#18a <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to north-east site corner	
#19 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to north-east site corner	
#27 <i>Lophostemon confertus</i> (Brushbox)	8.0m
Bundarra Ave nature strip	



79. An amended plan of the proposed landscape works consistent with the landscape plan 26.06/073 prepared by Ian Jackson dated April 2006, subject to the amendments as specified, shall be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The north point is to be shown correctly.
  - Tree #9 is to be shown to be retained, existing levels and grades maintained beneath its canopy and proposed planting altered accordingly.
  - Tree #'s 14 and 14a to be shown to be removed.
  - The proposed planting of *Eucalyptus saligna* (Bluegum) within the Bundarra Ave nature strip is to be changed to *Lophostemon confertus* (Brushbox) as specified
  - *Cyathea cooperi* (Rough Tree Fern) is identified as an urban environmental weed and is to be deleted and replaced with another tree fern species.
80. A cash bond/bank guarantee of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

81. A cash bond/bank guarantee of \$14 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#9 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to southern site boundary in front setback	\$2,000.00
#10 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-western site corner	\$2,000.00
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to rear site boundary	\$2,000.00
#12 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear setback	\$2,000.00
#19 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east site corner	\$4,000.00
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	\$2,000.00

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

82. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
83. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
84. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
85. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
86. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

**Application must be made through an authorised Sydney Water Co-ordinator, for details see Sydney Water web-site  
www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

Following application a “Notice of Requirements” will be forwarded detailing 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.

The Section 73 Certificate must be submitted to Council prior to release of the linen plan/occupation of the development.

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

Tree/Location	Radius in Metres
#9 <i>Eucalyptus saligna</i> (Bluegum)	4.5m on northern side
Adjacent to southern site boundary in front setback	10.0m elsewhere
#10 <i>Eucalyptus saligna</i> (Bluegum)	10.0m
Adjacent to south-western site corner	
#11 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to rear site boundary	
#12 <i>Eucalyptus saligna</i> (Bluegum)	4.0m
Centrally located in rear setback	
#16 <i>Camellia sasanqua</i> (Chinese Camellia)	3.0m
Adjacent to eastern site boundary	
#18a <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to north-east site corner	
#19 <i>Eucalyptus saligna</i> (Bluegum)	6.0m
Adjacent to northeast site corner	
#23 <i>Eucalyptus pilularis</i> (Blackbutt)	5.0m
Adjacent to western site boundary in F3 corridor	
#24 <i>Eucalyptus pilularis</i> (Blackbutt)	5.0m
Adjacent to western site boundary in F3 corridor	
#25 <i>Corymbia maculata</i> (Spotted Gum)	5.0m
Adjacent to western site boundary in F3 corridor	
#26 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Centrally located in rear setback	
#27 <i>Lophostemon confertus</i> (Brushbox)	8.0m
Bundarra Ave nature strip	

88. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
89. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.
90. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
91. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:
- Tree/Location
- |   |      |
|---|------|
| #9 <i>Eucalyptus saligna</i> (Bluegum)              |      |
| Adjacent to southern site boundary in front setback |      |
| #19 <i>Eucalyptus saligna</i> (Bluegum)             | 6.0m |
| Adjacent to north-east site corner                  |      |
| #27 <i>Lophostemon confertus</i> (Brushbox)         | 8.0m |
| Bundarra Ave nature strip                           |      |
92. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.
- | Tree/Location                                       | Radius From Trunk     |
|---|-----------------------|
| #9 <i>Eucalyptus saligna</i> (Bluegum)              | 4.0m on northern side |
| Adjacent to southern site boundary in front setback | 10.0m elsewhere       |
| #10 <i>Eucalyptus saligna</i> (Bluegum)             | 6.0m                  |
| Adjacent to south-western site corner               |                       |
| #11 <i>Eucalyptus saligna</i> (Bluegum)             | 6.0m                  |
| Adjacent to rear site boundary                      |                       |

#12 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear setback	6.0m
#16 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to eastern site boundary	4.0m
#18a <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-east site corner	3.0m
#19 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east site corner	5.0m
#23 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#24 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to western site boundary in F3 corridor	5.0m
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to western site boundary in F3 corridor	5.0m
#26 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located in rear setback	5.0m
#27 <i>Lophostemon confertus</i> (Brushbox) Bundarra Ave nature strip	8.0m

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

94. Prior to the commencement of any works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures at 8 Bundarra Avenue.

The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.

- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- The locations of proposed Work Zones in the frontage roadways.
- Location of any proposed crane standing areas.
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- Traffic Control Plan(s) for the site.
- All traffic control plans must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.
- Light traffic roads and those subject to a load or height limit must be avoided at all times unless otherwise approved.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- No construction access is to be gained to the site via Woonona Avenue or Everett Way.
- Construction vehicles are restricted to left in/left out movements from the intersection of Bundarra Avenue with the Pacific Highway.
- Arterial roads shall be used by construction vehicles to prevent safety impacts and disruptions to the Wahroonga Village shopping centre and local schools.

In addition, the plan must address:

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

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

- To maintain access in Bundarra Avenue, the applicant is to install “No Parking” signs along the eastern side of Bundarra Avenue which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Bundarra Avenue, the maintenance and subsequent removal of the signs would be carried over to the other developer.

96. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the ‘Work Zone’. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the ‘Work Zone’ is resolved by the Committee, the necessary ‘Work Zone’ signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

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

- Full road pavement width, including kerb and gutter, of Bundarra Avenue over the site frontage.

- F3 Freeway verge and off ramp for site frontage.
- All driveway crossings and laybacks in Bundarra Avenue opposite the subject site.

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

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

98. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below proposed basement level. The report is to address such matters as:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

The recommendations of the report are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved prior to the commencement of bulk excavation works.

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

99. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to the PCA confirming floor/ceiling levels and boundary setbacks prior to occupation.
100. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
101. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work. Documentary evidence of



compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

102. The landscape works, shall be installed in accordance with the approved plan/ s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
103. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
104. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
  - All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.
105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

106. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
107. Prior to issue of the Occupation Certificate an easement for waste collection is to be created under Section 88B or 88E 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 Ku-ring-gai Council.
108. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - A copy of any works-as-executed drawings required under this consent
  - The Engineer's certification of the as-built system.
  - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
109. Prior to issue of the Occupation Certificate all approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council stamped Roads Act 1993 drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by Council at the hold points noted on the *Roads Act* approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation Certificate being issued.

110. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
111. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed car park complies with the approved Construction Certificate plans,
  - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
  - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - That traffic signals are provided where necessary on the internal driveway ramps.
  - That the vehicular headroom requirements of:
    - \* Australian Standard 2890.1 - “Off-street car parking”,
    - \* 2.5m 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.
112. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans and the requirements of the RTA.
  - That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
  - That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.

- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
113. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
  - Gradients of drainage lines, materials and dimensions.
  - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
  - The size of the orifice or control fitted to any on-site detention system.
  - Dimensions of the discharge control pit and access grates.
  - The maximum depth of storage possible over the outlet control.
  - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
  - The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

114. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
115. In order to maximise privacy for the adjoining residential dwellings to the north, fixed 1m high planter boxes with minimum 500mm high screen planting above shall be provided along the north facing edge of the balcony to Unit 33. These planter boxes shall be provided adjacent/inside the proposed balustrades and shall be a maximum of 500mm in width.

#### ADVICE

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

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

*Against the Resolution:*    *Councillor Bennett*

395    **1 to 7 Carlotta Avenue, Gordon - Consolidation of 8 Lots & Subdivision into 2 Lots**

File: DA0361/06

To determine development application No 361/06, which seeks consent for the consolidation of 8 existing lots and subdivision into 2 lots, hereafter referred to as Proposed Lot 1 and Proposed Lot 2.

The proposal has been lodged by Ku-ring-gai Council on land owned by Council and is currently used for the purpose of Council's Works Depot. This report has been prepared by Don Fox Planning Pty Ltd for Council's consideration.

#### **Resolved:**

(Moved: Councillors Lane/Ryan)

That Council approve the application in accordance with the recommendations made by the independent planning consultant, J McFadden of Don Fox Planning Pty Ltd in Attachment 1 - Consultant's Report as follows.

#### **Consultant's Recommendation:**

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

THAT the Council, as the consent authority grant development consent to DA 361/06 for consolidation of 8 allotments and subdivision into 2 allotments at No's 1-7 Carlotta Avenue, Gordon for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

#### GENERAL CONDITIONS

1. The development must be carried out in accordance with plan of subdivision of Lots 11 to 15 (inclusive) DP 712122, Lots 10 & 11 DP 3387 and Lot 2 DP 218590, dated 4 April, 2006 drawn by Degotardi Smith & Partners, received by Council on 20 April, 2006 and endorsed with Council's approval stamp except where amended by the following conditions:-
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

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

3. The Applicant must obtain a **Section 73 Compliance Certificate** under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
4. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
5. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
  - a. The endorsement fee current at the time of lodgment,
  - b. The 88B Instruments plus six (6) copies,
  - c. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - d. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

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

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

6. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA)."
7. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
8. Any permanent structures across common boundaries are to be demolished unless the necessary burdens are created. Prior to issue of the subdivision certificate a registered surveyor shall certify that no permanent structures exist across common boundaries unless covered by the necessary burdens on title. This certification must be submitted with the application for the subdivision certificate. Any burdens on the title relating to permanent structures and/or access across common boundaries are to be removed upon demolition of the structures.
9. No approval is granted for any change in use, construction works, tree removal, demolition or remediation.
10. Future construction, demolition, tree removal, remediation and other change in use/development is to be the subject of a separate development application to Ku-ring-gai Council.

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

*Against the Resolution:*    *Councillor Bennett*

396    **Disclosure of Interests Returns Register**

File: S02167

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

**Resolved:**

(Moved: Councillors Lane/Cross)

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

**CARRIED UNANIMOUSLY**

397 **Capital Works Carried Forward 2005/2006**

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File: S03638

To seek endorsement from Council to carry forward the attached list of 2005/2006 projects into the current financial year.

**Resolved:**

(Moved: Councillors Lane/Ryan)

- A. That Council approve the attached list of carried forward works.
- B. That the net balance of \$336,800 be funded from Council's available working funds of \$243,200. The shortfall of \$93,600 to be funded in the September Review by adjusting Council's catchment analysis project.

**CARRIED UNANIMOUSLY**

398 **Ku-ring-gai Access Advisory Committee**

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 17 August 2006.

**Resolved:**

(Moved: Councillors Lane/Ryan)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 17 August 2006 be received and noted.

**CARRIED UNANIMOUSLY**



399     **Parks, Sport & Recreation Reference Group – Minutes of Meeting of  
31 August 2006**

File: S03447

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group Meeting held Thursday, 31 August 2006.

**Resolved:**

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

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held on 31 August 2006, be received and noted.

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

*Against the Resolution:    Councillor Hall*

*Standing Orders were suspended to deal with GB.8 first  
after a Motion moved by Councillors Ryan & Hall was  
CARRIED UNANIMOUSLY*

400     **Annual Financial Statements for the year ended 30 June 2006**

File: S04639

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 2006 and to provide a summary of Council's financial performance and financial position at 30 June 2006.

**Resolved:**

(Moved: Councillors Ryan/Lane)

That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants.

**CARRIED UNANIMOUSLY**

401

**Lindfield Centre - Revised Draft Planning Controls for Precinct P - Area bounded by Wolseley Road, Treatts Road & Railway Corridor, Lindfield**

File: S04350

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

**H Oliver**  
**H Huang**  
**W Butt**  
**L Hunt**  
**L Hudson**

For Council to consider and adopt for exhibition the revised draft planning controls for Precinct P (area bounded by Wolseley Road, Treatts Road, Ibbotson Park and the Railway corridor) in the Lindfield Centre prior to formal exhibition of the Draft Plans.

**Resolved:**

(Moved: Councillors Ryan/Lane)

That in accordance with Council's resolution on the Lindfield Centre Draft Local Environmental Plan and Draft Development Control Plan on 16 August 2006, the following amendment be made prior to formal exhibition:

- A. That Council endorse the revised draft Development Control Plan Controls for Precinct P in the Lindfield Centre for formal public exhibition.

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

*Against the Resolution: Councillors Bennett, Malicki, Shelley & Anderson*

*The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion and a LOST Amendment. Also, Part B of the Foreshadowed Amendment, when put to the vote, was LOST.*

*The Original Motion was:*

(Moved: Councillors Shelley/Anderson)

*That in accordance with Council's resolution on the Lindfield Centre Draft Local Environmental Plan and Draft Development Control Plan on 16 August 2006, the following amendment be made prior to formal exhibition:*

- A. *That Council endorse the revised draft Development Control Plan Controls for Precinct P in the Lindfield Centre for formal public exhibition as per 4.7.8 and that 4.7.7 be amended to show the proposed new road take the form of a cul de sac with entry from Treatts Road only and terminating at the commencement of Ibbotson Park.*
- B. *That 11. Treatts Road be noted as a future proposed road and that the new road shown on 4.7.7 be amended to show the roadway traversing 11 Treatts adjacent to the Synagogue.*
- C. *That should Block 2 of the Precinct P be developed prior to the new road being created, that access to and from Wolseley Road be made on a temporary basis only and that when the road access to Treatts is complete, that the new road be returned to a cul de sac.*

*The LOST Amendment was:*

(Moved: Councillors Malicki/Bennett)

*That the matter be referred to the Planning Committee, that the consultants be invited to attend on 18 October and report back to the Council meeting on 24 October.*

*The LOST Part B of the Foreshadowed Amendment was:*

- B. *That further and continuing consideration be given to the investigation of access to site 2 & site 3 within Precinct P from Treatts Road exclusively and that if possible, access be either restricted or subsequently removed from Wolseley Road adjacent to Ibbotson Park.*

**Councillor Malicki declared a possible conflict of interest  
in respect of the following item -  
25 Roland Avenue, Wahroonga -  
Torrens Title Subdivision into 4 Lots  
and withdrew from the Chamber taking no part  
in discussion and voting on the item**

402     **25 Roland Avenue, Wahroonga - Torrens Title Subdivision into 4 Lots**

File: DA1235/05

Ward: Comenarra

Applicants: C M & R W Davidson

Owners: C M & R W Davidson

To determine Development Application No 1235/05, which seeks consent for the subdivision of the site into 4 allotments.

**Resolved:**

(Moved: Councillors Cross/Lane)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 58B (3) (c) (i) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal will achieve the objectives of the lot width standards of the KPSO in that Lot 1 is of sufficient width to maintain an appropriate level of residential amenity.

**AND**

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 58B 93) (c) (iii) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal will achieve the objectives of the access corridor width standards of the KPSO in that safe and efficient vehicle access can be provided to all lots.

**AND**

THAT the Council, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA 1235/05 is consistent with the aims of the Policy, grant development consent to DA 1235/05 for subdivision of two lots into four lots and the demolition of the existing garage and carport on land at 25 – 27 Roland Avenue, Wahroonga, being Lot A, DP397638 and Lot M, DP420466, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

**GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No. 1235/05 and Development Application plans prepared by Craig and Rhodes, Job number 247-98, Drawing 24798E01, Version C, dated 6 October, 2005 and lodged with Council on 7 November, 2005.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

4. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
5. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
11. To maintain existing ground levels all excavated material shall be removed from the site.
12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
13. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be

required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
14. With regard to the proposed rock breaking the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. If the work involved in the construction of the driveway:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

### **Demolition**

18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
21. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
22. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
23. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
26. Soil on demolition sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.

30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
34. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.Any such sign is to be removed when the work has been completed.

This clause does not apply to:

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

### **Special**

36. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
37. Lot 4 is to have a minimum width of 18 metres.
38. The length of Road No. 2 is only to be constructed to a length that satisfies the Rural Fire Service condition related to the turning bay for a RFS Cat1 Tanker.
39. The indicative building footprints shown on the plans are not approved and shall be deleted from the plans. Plans are to be amended prior to the issue of the Construction Certificate.



40. The proposed car spaces for Lot 1 **and Proposed Road No. 3**, which are located in the front setback, are unacceptable.

**The car spaces** are to be relocated adjacent to the entrance to the existing dwelling on proposed Lot 1 **and Proposed Road No.3 is to be deleted** in accordance with the plan prepared by Craig and Rhodes (as attached and marked Plan A).

A right of carriageway is to be created in favour of proposed Lot 1 over proposed Lot 2 for any vehicle overhang in respect of manoeuvring of the vehicle to leave the site in a forward direction.

### **Rural Fire Services**

41. Compliance with the general terms of approval issued by Rural Fire Services.
1. Access is to comply with section 4.3.2 of Planning for Bushfire Protection 2001.
  2. A suitable turning bay shall be provided at the end of the property access road to permit turning of a RFS Cat1 Tanker. The turning bay shall be 6 metres wide (4m paved) and 15 metres deep from the centre line of the property access road and the inner turning radius shall be no less than 6 metres.
  3. Water supply for firefighting purposes shall be in accordance with section 6.4.3 of Planning for Bushfire Protection 2001. A minimum 5,000L onsite storage tank is required, per dwelling, if mains water is not accessible to within the distances described in section 6.3.3 a) of Planning for Bushfire Protection 2001.
  4. Locations of fire hydrants, where available, are to be delineated by blue pavement markers offset 100mm from the center of the road. The direction of offset should indicate on which side of the road the hydrant is located.

### **Landscape**

42. No further clearing or mowing of Blue Gum High Forest Endangered Ecological Community species is permitted within Lots 3 and 4 until a Construction Certificate or Development Application for any construction works on site is approved by Council. Clearing of Endangered Ecological Community vegetation without approval is an offence under the Threatened Species Conservation Act.
43. To avoid negative impact upon T50 - *Eucalyptus saligna* (Sydney Blue Gum) located within No. 23 Roland Avenue, the rainwater reuse tank for the dwelling on Lot 1 shall be installed above ground.
44. Removal or pruning of the following trees shown for removal on the subdivision layout plan is not approved as part of this Development Consent:
- |  |
|--|
| No/Tree/Location   |
| 5/ <i>Eucalyptus saligna</i> (Sydney Blue Gum)/Near the southern boundary and towards the eastern boundary of Lot 3. |

11/*Eucalyptus saligna* (Sydney Blue Gum)/Close to the western side of the Road No. 1 site within Lot 3.

12/*Eucalyptus saligna* (Sydney Blue Gum)/Close to the western side and end of the Road No. 1 site within Lot 3.

13/*Eucalyptus resinifera* (Red Mahogany)/Near the western side and end of the Road No. 1 site within Lot 3.

14/*Eucalyptus resinifera* (Red Mahogany)/Between T11 and T19 within Lot 3.

15/*Syncarpia glomulifera* (Turpentine)/Between T11 and T19 within Lot 3.

17/*Eucalyptus saligna* (Sydney Blue Gum)/Between T13 and T19 within Lot 3

19/*Syncarpia glomulifera* (Turpentine)/Close to the western end of the proposed Road No. 2 site within Lot 3.

21/*Eucalyptus pilularis* (Blackbutt)/Close to the southern (side) boundary and towards the eastern boundary of Lot 4.

22/*Eucalyptus saligna* (Sydney Blue Gum)/Adjacent to the northern (side) boundary and towards the eastern boundary of Lot 3.

23/*Eucalyptus saligna* (Sydney Blue Gum)/Close to the northern (side) boundary and towards the eastern boundary of Lot 3.

34/*Eucalyptus pilularis* (Blackbutt)/Near the northern (side) boundary and towards the eastern boundary of Lot 4.

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

No/Tree/location	Time of inspection
33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the southwestern corner of Lot 1.	Earthworks for Road No. 1 and drainage works stages.
12/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the western side of the end of Road	Earthworks for Road No. 1.1 and drainage works stages.
19/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the centre of the southern (side) boundary of Lot 3.	Drainage works stage.

46. Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.
47. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

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

No/Tree/Location	Radius From Trunk
33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the south-western corner of Lot 1.	12m

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

No/Tree/Location	Radius From Trunk
19/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the centre of the southern (side) boundary of Lot 3.	3m
33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the southwestern corner of Lot 1.	12m
44/ <i>Syncarpia glomulifera</i> (Turpentine) Close to and towards the western end of the southern (side) boundary of Lot 3.	5m

50. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

51. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along ROLAND AVENUE. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Notelaea longifolia</i> (Large mock Olive)	2

52. 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

### **Engineering**

53. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

54. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
55. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
56. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
57. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

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

##### **Administration**

58. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.  
Note: Required if cost of works exceed \$25,000.00.
59. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building

work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

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

### **Construction**

62. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.

## Special

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO ADDITIONAL DWELLING LOTS IS CURRENTLY \$64,648. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

## OCCUPANCY RATES FOR DIFFERENT DEVELOPMENT TYPES

New Lot 3.48 persons

## Landscape

64. Lots 1, 2, 3 and 4 shall support a minimum number of 5, 6, 10 and 10 canopy replenishment trees respectively, that will attain 13.0 metres height at the site, to preserve the tree canopy of Ku-ring-gai. The existing tree/s and 4 additional trees to be planted within both lots 1 and 2 shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate. The trees to be planted shall be locally occurring native trees.

Screen planting shall be provided to the proposed rainwater tank within proposed Lot 1.

65. Road No.1 shall be constructed above grade and its crossfall shall be sloped to the south, to ensure that no roots of T33 – *Eucalyptus saligna* (Sydney Blue Gum) greater than 30 mm diameter are severed or damaged during road construction. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

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

No/Tree/Location	Radius From Trunk
33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the south-western corner of Lot 1.	12m

67. To minimise negative impacts upon the root system of T33 – *Eucalyptus saligna* (Sydney Blue Gum) the below ground O.S.D. tank shall be rotated 90° so that its length is perpendicular to the tree's trunk and drainage line 3 and pit 3.1 shall be located on the southern side of Road No. 1. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
68. The Construction Certificate shall not be released until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.

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

69. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

No/Tree/Location	Bond Value
5/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Near the southern boundary and towards the eastern boundary of Lot 3.	\$1,000.00
11/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the western side of the Road No. 1 site within Lot 3.	\$1,000.00
12/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the western side and end of the Road No. 1 site	\$1,000.00

within Lot 3.

19/*Syncarpia glomulifera* (Turpentine) \$1,000.00

Close to the western end of the proposed Road No. 2 site within Lot 3.

33/*Eucalyptus saligna* (Sydney Blue Gum) \$5,000.00

Close to the southwestern corner of Lot 1.

44/*Syncarpia glomulifera* (Turpentine) \$1,000.00

Close to and towards the western end of the southern (side) boundary of Lot 3.

70. The program of bush regeneration/weed removal included in the Vegetation Management Plan prepared by Abel Ecology and dated 28 October 2005 shall be used to rehabilitate the Blue Gum High Forest Endangered Ecological Community within Lots 3 and 4 on a permanent basis. Only species occurring within the sub-formation of Blue Gum High Forest growing on the site and adjoining properties shall be planted at the site. Appendix 3 is not to be used for regeneration planting. *Pseuderanthemum variable* (Pastel Flower) shall be amended to *Myoporum debile* (Winter Apple) that grows within the cleared and mowed area of the site.
71. The following recommendations within the Flora and Fauna Report prepared by Abel Ecology, dated 28 October, 2005 and submitted with the Development Application shall be carried out:
  - (a) All weed propagules will be bagged and removed from site.
  - (b) Prior to removal of any tree, seeds will be collected by certified seed collectors. This seed will be propagated for projects involving Blue Gum High Forest in the area, and for any planting of trees on the site, if required. If available, seed from any shrub within the property which is a component of the BGHF will be collected. For example, if *Acacia data* or *Allocasuarina torulosa* seed is available on site, this seed must be propagated for use on site for areas which are depleted after the removal of privet groves.
  - (c) It is strongly recommended that any native ground-covers and small shrubs (less than 0.5m) be retrieved from those areas of the site that will be cleared for housing or other constructions. These can be transplanted into the 30m-wide riparian regeneration zone.
  - (d) Landscaping around the two lower western houses is to be consistent with the Blue Gum High Forest community, and contain at least 80% plants of local provenance. No plants declared noxious or considered environmental or nuisance weeds may be used in this area.
  - (e) Ten nesting boxes for arboreal mammals and ten bat boxes will be provided within the 30 m riparian regeneration zone. The nesting boxes will be monitored for at least five years, in order to prevent their use by pest bird species.



- (f) Logs from felled trees are to be cut into suitable lengths and retained on the site for habitat, and/or erosion control.
- (g) Smaller branches and leaves are to be mulched. All mulch not immediately used is to be stored for future on-site use in a suitable weed-free location on the site. The mulch stockpile is to be covered.
- (h) It may be necessary to use mulch to prevent soil erosion, weed invasion and water/soil loss, and to assist in the establishment of possible plantings/landscaping. All reasonable measures are to be taken so as to maintain mulch stockpiles in a weed-free condition. This will include stockpiling on a 'clean' surface (weed-free) and covering of mulch to prevent contamination by weed seed. An assessment will be required by the bush regeneration contractor as to the benefits of mulch for weed control against the disadvantages, in that mulch will repress natural regeneration as well.
- (i) If planting is required, planted areas must be regularly monitored to prevent soil being washed away and/or the onset of erosion. If problems are detected, appropriate ameliorative measures must be undertaken immediately. Mulch prevents the dispersal of soils, but it also prevents regeneration. Mulch is therefore, only to be used when absolutely necessary or around landscaping close to the dwellings.
- (j) Erosion and sediment control structures are to be installed prior to any commencing.
- (k) Erosion and sediment control structures are to be cleared after any storm.
- (l) Siltation fences will be installed on the eastern and western extremities of Conservation Zone.
- (m) Any machinery or equipment used is to be free of weed seed. This is particularly important if the machinery has also been used elsewhere (for example by external contractors) as they are known vectors for the spread of weed seeds. Cleaning may simply require the hosing down of machinery to be used, and this will occur either offsite, or in an on-site designated area from which weed seed can be controlled.
- (n) Removal of rock is prohibited. All rock shall remain in place on site for use as formal habitat replacement within the 30m riparian regeneration zone.

### **Engineering**

72. The applicant is to provide construction details for the following works:

- Access driveway to the rear lots and car spaces to the front lots;
- On site detention tank for the new driveway;
- Interallotment drainage pipe to service all lots;
- Permanent water quality measures as required under Section 8.3.1 of DCP 47.

The designs are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

The designs shall be generally based on the concept plan 24798E01 by Craig & Rhodes, and shall be advanced for construction issue purposes. The detention storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services). Rainwater tank(s) for the existing dwellings shall be designed to capture and retain runoff from a minimum 100m<sup>2</sup> roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

73. The property drainage system shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.

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

##### **Administration**

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

##### **Pollution and Environment**

75. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
76. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.

##### **Landscape**

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

No/Tree/Location	Radius in Metres
3/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the centre of the eastern boundary of Lot 3.	4m
4/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to and near the eastern end of the southern boundary of Lot 3.	6m
5/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Near the southern boundary and towards the eastern boundary of Lot 3.	3m

78. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed ROAD No.1 shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

No/Tree/Location	Radius From Trunk
11/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the western side of the Road No. 1 site within Lot 3.	3m
12/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the western side and end of the Road No. 1 site within Lot 3.	4m
33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the south-western corner of Lot 1.	12m

79. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
80. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  4. Name, address, and telephone number of the developer.
81. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% *Eucalyptus* leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

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

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

##### **Landscape**

83. The creation of a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the area for a distance of 30 metres from the top edge of the watercourse embankment on Lots 3 and 4 of 25 and 27 Roland Avenue, Wahroonga, the terms of which state that any excavation, soil level changes, construction works or removal of any Blue Gum High Forest Endangered Ecological Community vegetation are prohibited. All noxious plant, environmental and nuisance weed species shall be continually removed from this Restriction on the Use of Land using the minimal disturbance method.
84. The following noxious plant, environmental and nuisance weed species shall be removed from the property prior to completion of the approved subdivision works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Certificate of Subdivision.

##### **Plant Species**

*Acer negundo* (Box Elder)  
*Ageratina riparia* (Mist Weed)  
*Asparagus densiflorus* (Asparagus Fern)  
*Cinnamomum camphora* (Camphor laurel)  
*Conyza sp* (Fleabane)  
*Crocosmia x crocosmiifolia* (Montbretia)  
*Erythrina x sykesii* (Coral Tree)  
*Hedera helix* (English Ivy)  
*Hedychium gardnerianum* (Ginger lily)  
*Lantana camara* (Lantana - Pink Flower)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Lonicera japonica* (Honeysuckle)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Ochna serrulata* (Ochna)  
*Passiflora edulis* (Passionfruit)  
*Solanum mauritianum* (Wild Tobacco)  
*Toxicodendron succedaneum* (Rhus Tree)

##### **Engineering**

85. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:

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

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

86. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
  - a. Construction of the access driveway and car spaces in accordance with the approved plans,
  - b. Construction of the on site detention tank for the driveway in accordance with the approved plans.
  - c. Construction of the interallotment drainage system and permanent water quality measures in accordance with the approved plans.
87. Prior to issue of the Subdivision Certificate a suitably qualified consulting civil/hydraulic engineer (as defined in Water Management Development Control Plan 47) is to provide certification for approval by the Principal Certifying Authority (PCA). The certification must make specific reference to each of the following:

That the as-built detention and retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete form in appendix 4 of DCP47 in relation to the on-site detention system).

The as-built drainage layout (including pits, pipes, spreaders and the like) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,

That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices. The completed as-built drainage and stormwater management systems will achieve the full intent of the approved design plans and Councils Water Management DCP47.

88. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the water quality measures and submitted to Principal Certifying Authority. The regime

shall specify that the system is to be regularly inspected and serviced by qualified practitioners.

89. Prior to issue of an Occupation Certificate the applicant shall submit the following Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed access driveway and property stormwater drainage and management systems:
- As built reduced levels and dimensions for the access driveway and car spaces.
  - As built reduced surface and invert levels for all drainage pits and junctions.
  - As built reduced level(s) at the approved point of discharge to the public drainage system.
  - Gradients of drainage lines, materials and dimensions.
  - As built location and internal dimensions of all detention and retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - As built locations of all access pits and grates in the detention system, including dimensions.
  - The size of the orifice or pipe control fitted.
  - Dimensions of the discharge control pit and access grates.
  - The achieved capacity of the retention and detention storages and derivative calculation.
  - The maximum depth of storage over the outlet control.
  - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
  - The WAE(s) is to be prepared by a registered surveyor and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be marked in red on the Principal Certifying Authority stamped construction certificate stormwater drawings.
90. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
91. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
92. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A

plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval by the Principal Certifying Authority (Principal Certifying Authority) prior to issue of the Construction Certificate. The provision of these services is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.

93. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
- a. The endorsement fee current at the time of lodgement,
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate.
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council.
  - e. A copy of all works-as-executed plans required under the consent,
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

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

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

94. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
95. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
96. Prior to release of the linen plan/issue of the subdivision certificate, the provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, shall be provided to each

allotment. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas, Telstra, sewer and water.

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

*Against the Resolution:*    *Councillors Bennett, Shelley & Anderson*

**Councillor Malicki returned**

403

### **Amendments to the Conduct Committee Guidelines**

File: S04462

Amend the Ku-ring-gai Council Conduct Committee Guidelines.

#### **Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council adopt the proposed amendments to the Conduct Committee Guidelines.

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

*Against the Resolution:*    *Councillors Bennett & Malicki*

- B That the issue of further amendments to the Code of Conduct be brought back to the next Policy Review Committee and that it include information as quoted by Cr Malicki at the Council Meeting of 17 October.

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

*Against the Resolution:*    *Councillors Bennett, Hall, Malicki & Ryan*

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

(Moved: Councillors Malicki/Bennett)



- A. *That Council adopt the proposed amendments to the Conduct Committee Guidelines.*
- B. 1. *The Code of Conduct shall not be used as a way of stifling proper process and debate at Council meetings nor of preventing minority representatives from putting forward their views on matters before the Council.*
2. *Complaints may not be made against a Councillor for factional or political reasons rather than as a result of actual misbehaviour.*
- C. *Where there is an acknowledged Conflict of Interest or an acknowledged “perceived” conflict a committee member or substitute committee member MUST stand down from the committee and not take part in the procedures at all including receipt of submissions.*

**Council adjourned for a short interval at 11.00pm  
after a Motion moved by Councillors Bennett & Lane was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 11.15 pm**

Those present were

The Mayor, Councillor Ebbeck  
Councillor Anderson  
Councillor Bennett  
Councillor Cross  
Councillor Hall  
Councillor Lane  
Councillor Malicki  
Councillor Ryan  
Councillor Shelley

404

**Development Options of the Abandoned B2 Road Corridor, South Turramurra**

File: S02846

The purpose of this report is to seek Council’s direction to the future use of the land owned by Council and the NSW Department of Planning within the B2 road corridor, South Turramurra.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. Council undertake a preliminary feasibility study of the land owned by Council and the NSW Dept of Planning, including the unformed roads marked as Warner Avenue and Hall Street for the following options:
1. Residential use consistent with the current 2C zoning.
  2. Use as a sports field and associated infrastructure across part of the site with the balance for residential land consistent with the current 2C zoning.
  3. Use as a sports field and associated infrastructure across part of the site with the balance for residential land with a reduce lot size.

These options are to include analysis of the site for its suitability to provide water for irrigation to Auluba Ovals 1 and 2 and to promote sustainability in the use and layout of the site.

- B. Following the preparation of the preliminary feasibility studies, undertake consultation with Council and key local interest groups as to the direction of the future land use options.
- C. Report to Council in December 2006 the outcomes of the studies and consultation.
- D. Inform the NSW Dept of Planning of Council's resolution and commence discussions in relation to future land options and agreements.

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

*Against the Resolution:   Councillors Bennett, Cross, Malicki & Anderson*

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

(Moved: Councillors Malicki/Cross)

- A. *Council undertake a preliminary feasibility study of the land owned by Council and the NSW Department of Planning, including the unformed roads marked as Warner Avenue and Hall Street for the following options:*
1. *Residential use consistent with the current 2C zoning.*
  2. *Details of a sports field and associated infrastructure across part of the site with the balance for residential land consistent with the current 2C zoning.*
  3. *Details of a sports field and associated infrastructure across part of the site with the balance for residential land with a reduce lot size.*

*These options are to include analysis of the site for its suitability to provide water for irrigation to Auluba Ovals 1 and 2 and to promote sustainability in the use and layout of the site.*

*That details to be provided to Councillors includes analysis of other options for supply of sports grounds in Ku-ring-gai.*

- B. Following the preparation of the preliminary feasibility studies, undertake consultation with Council and key local interest groups as to the direction of the future land use options.*
- C. Briefings and report to Council as appropriate.*
- D. Inform the NSW Department of Planning of Council's Resolution and to commence discussions in relation to future land options and agreements after Council has resolved its preferred direction for land use options.*

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### **General Manager Delegations**

File: S02017

For Council to grant a delegation to the General Manager.

#### **Resolved:**

(Moved: Councillors Hall/Bennett)

That pursuant to Section 355 of the Local Government Act the following power be delegated to the General Manager effective immediately:

#### **COUNCIL OWNED, LEASED, LICENCED and MANAGED LAND**

“To take all appropriate actions to protect Council's interests in relation to any land (or interest in land) owned, vested in, leased or licenced by the Council and to exercise on Council's behalf any rights available to the Council under any lease, licence or right of occupancy of land whether the land is owned or managed by the Council as Reserve Trust Manager or the land is leased, licenced or occupied by the Council.

The exercise of such rights shall include the right to lease or licence any such land in accordance with any limitations imposed under the Local Government Act 1993, Roads Act 1993 and the Crown Lands Act 1989, to terminate any such lease or licence, to re-enter and take possession of any such land and to exercise any rights available to the Council in respect of such land whether arising under legislation, the instrument creating such right or by law.”

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN****406 Former Freeway Corridor Land - South Turramurra – Potential for New Playing Field**

File: S02921

**Notice of Motion from Councillor E Malicki dated 27 September 2006.**

I move:

"That staff prepare a preliminary report on the potential for delivering a new playing field on former freeway corridor land in Chisholm Street South Turramurra on land known as the horse paddocks.

The report should deal with;

1. Size of various sporting fields and the capacity of the site to locate a field and parking
2. Land ownership in the area and the capacity for land swaps
3. Approximate costs of building a playing field in this area
4. Any other relevant matter

The purpose of seeking this report is to allow Council the opportunity to consider the future of land owned by our community in South Turramurra, bearing in mind that the land has now been rezoned and may shortly be put on the market for housing, thus losing the opportunity to build a much needed playing field in this area."

**The above Notice of Motion was withdrawn.**

**QUESTIONS WITHOUT NOTICE****407 Crime in Pymble**

File: S02415

Question Without Notice from Councillor T Hall

Mr Mayor, I refer to the horrific robbery and assault with a deadly weapon that took place at a massage parlor in Grandview Street, Pymble on 29 September as reported in the press and ask whether you will seek at the Local Government Association Annual Conference on 30/31 October, the support of the Local Government Minister for my long held belief that the NSW Police Service be given prime authority to close down illegal brothels and not Councils or their staff in view of the criminal element that appears commonplace in these so called planning activities?

**Answer by the Mayor**

I have actually written a letter to the Minister of Local Government already in relation to this issue.

**408 Annual Financial Statements - Special Schedule No 7 - year to 30 June 2006**

File: S04639

Question Without Notice from Councillor T Hall

In the debate in GB.8 tonight, it was contended that Council must address more adequately funding of non-current assets such as drainage infrastructure.

Would the General Manager advise whether the level of funding of these public works is contingent on seeking a adequate external funding that is limited by statute on local government generally and if Councillor Bennett's scheme may not have taken that limitation into account, given the Council has reasonably met its depreciation costs in this Schedule?

**Answer by the General Manager**

The second part I wont answer but the first part, yes it would be nice if Council had the capacity to raise more revenue, yes.

**409 Councillors' Parking at Council Chambers**

File: S03643

Question Without Notice from Councillor M Shelley

Would the General Manager ensure that sufficient car parking spaces be allocated for Councillors on Council nights and, if there is an item on the Agenda (such as distribution of financial assistance grants), an officer ensures those spaces are only used by Councillors?

**Answer by the General Manager**

Yes

**410 Address Council Information Sheets - Refrain from any Defamatory Remarks against Council Officers**

File: S03595

Question Without Notice from Councillor M Shelley

Would the General Manager bring to the Policy Committee or other appropriate committee, a form of words that could give guidance to people who register as speakers at Council meetings, informing them of their responsibility regarding the need to avoid making defamatory remarks regarding staff, Councillors or others and that those form of words include that the proceedings of Council are not privileged?

**Answer by the General Manager**

There is already an existing handout that is given to speakers. I'll just read Item 10 to see if that satisfies, if not, we might expand -

*Speakers are reminded that no absolute privilege exists in relation to comments made in the address and accordingly should refrain from any defamatory remarks.*

**Answer by Councillor Shelley**

I think that the defamatory remarks need to be expanded & perhaps give examples or something because I don't think people understand the difference between.....you can certainly give rigorous opinion but you make....you can call a person a fool but you can't call them a name & that's the difference the people need to understand.

**Answer by the General Manager**

I am happy to come up with some wording and refer it to the Policy Committee.

411 **West Pymble Pool Security**

File: S02381

Question Without Notice from Councillor E Malicki

Can Council urgently address the issue of security at West Pymble Pool please? We need security lighting, sensor lighting and perhaps surveillance cameras installed as soon as possible.

Every year there is a lot of vandalism at the Pool and already this season there has been \$2,000 of damage done at the Pool. This is not acceptable in such a high profile area where we can supply better security.

**Answer by the Mayor**

The Director will investigate and report back to Council.

412 **Turfing at West Pymble Pool**

File: S02381

Question Without Notice from Councillor E Malicki

The new turf at West Pymble Pool is patchy and in some places non existent.

This is a very poor look, especially as we had several months to lay and establish turf over the break.

Can we attend to this problem and make a proper turfed area where people are able to sit and relax rather than have to avoid dirt patches?

**Answer by Director Open Space & Planning**

We will look at what needs to be done & will discuss matters with the lessee.

*The Meeting closed at 11.50pm*

The Minutes of the Ordinary Meeting of Council held on 17 October 2006 (Pages 1 - 103) were confirmed as a full and accurate record of proceedings on 24 October 2006.

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General Manager

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Mayor / Chairperson