

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 18 OCTOBER 2005**

Present: Councillor M Malicki (Chairperson) (Comenarra Ward)  
Councillor A Andrew (Comenarra Ward)  
Councillors I Cross & N Ebbeck (Wahroonga Ward)  
Councillor T Hall (St Ives Ward)  
Councillors G Innes & M Shelley (Roseville Ward)  
Councillors M Lane & A Ryan (Gordon Ward)

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Manager Urban Planning (Antony Fabbro)  
Senior Urban Planner (Rod Starr)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

Also Present: N Mah Chut (Spencer Steer)

*The Meeting commenced at 7.03pm*

*The Mayor offered the Prayer*

### **430 APOLOGIES**

File: S02194

Councillor L Bennett (family commitments) tendered an apology for non-attendance and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Ryan/Hall)

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

**CARRIED UNANIMOUSLY**

### **DECLARATION OF PECUNIARY INTEREST**

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

The Manager Urban Planning, Mr Antony Fabbro, declared a Pecuniary Interest in Item GB.9 – Interface Sites between Medium Density (2d3) Sites and Single Dwellings, the reason being that a relative owns property in Powell Street, Killara.

431 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

**Resolved:**

(Moved: Councillors Cross/Shelley)

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

- C.1 Open Space Amenities Cleaning Contract – *(Section 10A(2)(c) - Information that would confer a commercial advantage)*

**CARRIED UNANIMOUSLY**

**ADDRESS THE COUNCIL**

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

A Parr

**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:

- Refer GB.2: 4 Illoura Avenue, Wahroonga – Memorandum by Director Development & Regulation dated 18 October 2005
- Refer GB.5: Annual Financial Statements for the year ended 30 June 2005 – Memorandum by Director Finance and Business dated 18 October 2005
- Refer GB.6: Capital Works Carried Forward 2004/2005 – Memorandum by Director Finance and Business dated 17 October 2005
- Refer GB.9: Interface Sites between Medium Density (2d3) Sites and Single Dwellings – Memorandum by Director Open Space and Planning dated 18 October 2005

## **CONFIRMATION OF MINUTES**

### **432 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 11 October 2005

Minutes numbered 411 to 429

#### **Resolved:**

(Moved: Councillors Innes/Ebbeck)

- A. That Minutes numbered 411 to 418 and 420 to 429 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

(Moved: Councillors Shelley/Ebbeck)

- B. That Minute No 419 – Election of Chairpersons/Deputy Chairperson – 2005 to 2006 – Committees and Advisory Committees, be amended to read as follows:

#### **Policy Committee**

Nominees: Innes – (4 votes)

Ryan – (6 Votes)

Councillor Ryan elected as Chairperson

**CARRIED UNANIMOUSLY**

## **GENERAL BUSINESS**

### **433 2 Dakara Close, Pymble - Construction of Retaining Wall (Amended Design)**

File: DA1172/02-5

Ward: Gordon

Applicant: Daniel Mendola, Built-on Management

Owner: Adrian Bois

To determine the Section 96(1) application to modify the consent to DA 1172/02 in respect of one already constructed (unauthorised) retaining wall. The matter has been called to Council by the Mayor.

**Resolved:**

(Moved: Councillors Andrew/Cross)

- A. That consideration of Development Application 1172/02-5 at 2 Dakara Close, Pymble be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

434

**2 to 8 Burleigh Street, Lindfield - Demolition of Existing Structures & Construction of a Residential Flat Building comprising 31 Units, 50 Basement Car Spaces and Landscaping**

File: DA0062/05

Ward: Roseville

Applicant: J & Q Investments Pty Ltd

Owners: J Ka-May-Wu : 2-4 Burleigh Street, P & E Chien: 6 Burleigh Street, RN Hale & CM

Evans: 8 Burleigh Street

To determine Development Application No. 62/05 which seeks consent for the demolition of existing structures, construction of a residential flat building comprising 31 units, including basement car parking and landscaping.

**Motion:**

(Moved: Councillors Hall/Lane)

- A. That consideration of DA0062/05 at 2 to 8 Burleigh Street, Lindfield be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

***The above Motion when put to the vote was LOST.***

*For the Motion: Councillors Hall, Lane & Ryan*

*Against the Motion: The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Innes & Shelley*

*A Motion was moved by Councillors Innes & Andrew  
to hear all speakers  
was CARRIED UNANIMOUSLY*

#### **4 Illoura Avenue, Wahroonga - Torrens Title Subdivision of a Heritage Property, Creating Two (2) Lots**

File: DA1349/04

Ward: Wahroonga

Applicant: STX Developments Pty Ltd

Owner: John F R Strang

To determine Development Application No. 1349/04 which seeks consent for the Torrens Title subdivision of one existing heritage listed property from (1) lot into two (2)

#### **Resolved:**

(Moved: Councillors Ebbeck/Cross)

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

THAT Council, as the consent authority, grant development consent to DA 1349/04 for the Torrens Title subdivision of one (1) lot into two (2) on land at 4 Illoura 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 8802-1-03 sheet 2 issue D, 8802-1-03 sheet 3, issue E, 8802-1-03 sheet 4, issue D and dated 19 April 2004, drawn by Lyle Marshall and Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. Approval is given under this development consent for the following tree works to be undertaken on trees within the subject property:

No/Tree/Location	Tree work
19/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) Close to the Illoura Avenue boundary of the access handle of Lot B.	Remove
21/ <i>Ficus sp.</i> (Fig Tree) Adjacent to the northern boundary of the access handle of Lot B.	Removal

3. A tree report prepared by a qualified Arborist shall be submitted to Council with any future development proposal for any of the allotments. The report shall assess the health and significance of the existing trees and shall be accompanied by a survey plan which accurately plots and identifies the trees. The tree

assessment should be considered when undertaking the site analysis in preparation for designing the dwelling for the site.

4. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
5. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
6. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
7. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
8. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

No/Tree/Location	Radius From Trunk
20/ <i>Angophora costata</i> (Sydney Red Gum) 10 metres from the Illoura Avenue boundary.	6m

9. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
10. 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.
11. *Pittosporum undulatum* (Sweet Pittosporum) – T19 shall be replaced at the same location by a tree that will attain 13 metres height at the site. The tree shall be selected from the Sydney Turpentine/Ironbark Forest assemblage of vascular plants by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to the commencement of subdivisional works.
12. Lots A and B shall support a minimum number of 13 and 8 trees respectively that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai. The existing tree/s, and additional tree/s to be planted within Lot A shall be shown on the Landscape Plan/Site Plan.

13. The tree plan for Lot A shall be prepared by a Landscape Architect or qualified Landscape Designer and submitted to the Principal Certifying Authority for approval prior to the commencement of subdivisional works.
14. Screen planting shall be provided along the northern and southern boundaries of the access handle to Lot B. A plan detailing such planting shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to the commencement of subdivision works. The plan shall incorporate species suitable for the site conditions and location of the site, to be of 300 mm pot size and capable of attaining a height of 5 metres at maturity.
15. To enhance native vegetation and promote biodiversity the Landscape Plan shall incorporate at least 25% trees and shrubs as locally occurring native plant species from the Sydney Turpentine/ Ironbark Forest assemblage of vascular plants. Planting over the rest of the site shall consist of non-invasive plant species.
16. If the Principal Certifying Authority is Council then the appropriate fees contained in Councils Schedule of Fees and Charges are payable to Council prior to issue of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
17. Stormwater runoff from proposed Lot A (existing dwelling) shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
18. For stormwater control, a 150mm high kerb is to be provided for all paved areas including the proposed driveway. Stormwater runoff from all paved areas is to be connected to the main drainage system.
19. Construction of paved driveway within the access handle to proposed Lot B. The driveway crossing shall have a minimum width of 3.7 metres wide in order to comply with Council's Specification. The driveway is to have a minimum width of 3.0 metres and to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck. Passing opportunities must be provided in accordance with Australian Standard 2890.1 – 2004 "Off-street car parking where the driveway length exceeds 30 metres.
20. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

21. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*. **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
22. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.
23. 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.
24. **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.

24. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

25. The fence and footings shall be constructed entirely within the boundaries of the property.



26. 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.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSTRUCTION CERTIFICATE

27. In order to define the north-western curtilage of the heritage item/dwelling existing on proposed Lot A, screening trees attaining a minimum height of 5 metres at maturity are to be planted to the western side of the dwelling, adjacent the eastern boundary of proposed Lot B. The trees should be of sufficient canopy spread to provide continuous screening between the proposed lots. The trees must be super-advanced at planting and approved by Council's Heritage Advisor and Landscape Development Officer prior to the issue of a Construction Certificate.
28. 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.
29. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgment of those Certificates with Council.
30. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full hydraulic design documentation for the required interallotment drainage system from proposed Lot A (existing dwelling) over proposed Lot B. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Council's website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:
- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
  - b. The contributing catchment calculations and supporting pipe sizing information,
  - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
  - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
  - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
31. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a suitably qualified and experienced civil/hydraulic engineer that:
- a. The existing pipes within the interallotment drainage easement system to be utilised over Lot 1 of DP 586458, not to be reconstructed, are in satisfactory condition and
  - b. The existing pipes to be utilised have hydraulic capacity to carry design flow rates and/or detention system overflows (where detention systems are to be provided) from proposed Lot A and Lot B as far as the approved point of discharge to the public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows from the approved development the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority (PCA), prior to issue of the Construction

Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Council's website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
  - b. The contributing catchment calculations and supporting pipe sizing information,
  - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
  - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
  - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
32. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation for the driveway to proposed Lot B. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with Australian Standard 2890.1 – 2004 "Off-street car parking" in terms of passing opportunities, ramp grades and driveway width etc.
33. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and

Council may require immediate removal of unauthorised installations.

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

34. 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 Council's Water Management DCP 47 (available on the Council website).
35. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL LOT IS CURRENTLY \$32,324.00. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$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

36. In order to define the north-western curtilage of the heritage item from the proposed new lot, screening trees are to be planted on the heritage item at a suitable distance from the proposed boundary that reach a minimum height of 5 metres and sufficient canopy spread to provide continuous screening between the proposed lots. The trees must be super-advanced and planted as specified by a qualified landscape architect or horticulturist. The location of the trees is to be approved by Council's Heritage Advisor and the species of tree approved by Council's Landscape Development Officer prior to the issue of a Construction Certificate.

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

37. 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 DRIVEWAY 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 in Metres
20/ <i>Angophora costata</i> (Sydney Red Gum) 10 metres from the Illoura Avenue boundary.	6m

38. 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 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:

No/Tree/Location
20/ <i>Angophora costata</i> (Sydney Red Gum)/10 metres from the Illoura Avenue boundary.

39. 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.
40. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

41. The screen planting within the access handle of Lot B and the tree replenishment planting within Lot A shall be installed in accordance with the approved plans and/or conditions of consent, be completed prior to issue of the Certificate of Subdivision and be maintained in a healthy and vigorous condition at all times.
42. The Principal Certifying Authority shall ensure that the screen planting within the access handle of Lot B and the tree replenishment planting within Lot A have been installed correctly, faithful to the approved landscape plan/s specifications and conditions of consent prior to issue of the Certificate of Subdivision.
43. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed subdivisional 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

*Asparagus plumosus* (Climbing Asparagus)

*Cotoneaster sp.* (Cotoneaster)

*Hedera sp.* (Ivy)

*Hedychium gardnerianum* (Ginger lily)

*Ligustrum lucidum* (Large-leaved Privet)

*Ligustrum sinense* (Small-leaved Privet)

*Lonicera japonica* (Honeysuckle)

*Nephrolepis cordifolia* (Fishbone fern)

*Tradescantia albiflora*

44. The linen plan release fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to issue of the Subdivision Certificate.
45. Prior to release of the linen plan/issue of the subdivision certificate the applicant must submit to Council (attention Development Engineers) a copy of the approved interallotment drainage and driveway design, the works-as-executed drawings and the Engineer's certification of the as-constructed engineering works. This only applies where Council is not appointed the Principal Certifying Authority (PCA). These details are required to maintain Council's database of as-constructed drainage and driveway works.
46. Prior to release of the linen plan/issue of the subdivision certificate, the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to release of the linen plan/issue of the subdivision certificate, the following shall be submitted to the Principal Certifying Authority (PCA):
  - a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and

- b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
  - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
- 47. Construction of the driveway access to proposed Lot B is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. Certification is to be provided to the Certifying Authority prior to issue of a Subdivision Certificate.
- 48. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
 

Council's Subdivision Lodgement Form, available from Council's Customer Services.

The endorsement fee current at the time of lodgement,

The 88B Instruments plus six (6) copies,

All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,

All works-as-executed plans required under the consent,

The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

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

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

Note 2: Council will not accept bonds in lieu of completing subdivision works.
- 49. For endorsement of the linen plan / issue of the subdivision certificate, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 50. The developer shall submit to the Certifying Authority 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 issue of the Subdivision Certificate.
- 51. 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.

- 52. 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).
- 53. Creation of suitable drainage easements with minimum widths in accordance with Council's Water DCP47 over all of the inter-allotment and Council drainage systems.
- 54. 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.

**CARRIED UNANIMOUSLY**

436 **Capital Works Carried Forward 2004/2005**

.  
File: S03638

To seek endorsement from Council to carry forward the attached list of 2004/2005 projects into the current financial year.

**Resolved:**

(Moved: Councillors Ebbeck/Ryan)

- A. That Council approve the attached List of Carried Forward Works.
- B. That the net balance of \$437,000 be funded from Council's available working funds.



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

*Against the Resolution:   Councillor Hall*

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

.  
File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A.   That the Minutes of the Ku-ring-gai Access Advisory Committee of 18 August 2005 be received and noted.
- B.   That Council write letters to Australia Post and the Member for Bradfield, highlighting the difficulties people with mobility aids have in accessing the Gordon PostShop.

**CARRIED UNANIMOUSLY**

438     **Environmental Levy Community Advisory Committees**

.  
File: S04078

To recommend appointment to the Environmental Levy community advisory committees.

**Resolved:**

(Moved: Councillors Ebbeck/Lane)

- A.   That the report be received and noted.
- B.   That Council send an offer of appointment to individuals identified.
- C.   That the offer of appointment identifies the expected commitments and expectation as exist for the current Reference Groups.

**CARRIED UNANIMOUSLY**

### **34 Billyard Avenue, Wahroonga - Application for Rezoning**

File: S04482

To consider an application for the rezoning of the convent lands at 34 Billyard Avenue, Wahroonga.

#### **Resolved:**

(Moved: Councillors Ebbeck/Cross)

- A. That the Director prepare a Draft Local Environmental Plan for 34 Billyard Avenue, Wahroonga to rezone the lands 2(c) under the Ku-ring-gai Planning Scheme Ordinance.
- B. That the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act.
- C. That when prepared, the Draft Local Environmental Plan be placed on public exhibition in accordance with statutory requirements for public comment.
- D. That a report be brought back to Council at the end of the exhibition period for Council's consideration of submissions.

**CARRIED UNANIMOUSLY**

### **Council Adoption of Revised & Additional Fees & Charges**

File: S03918

To report to Council on the public exhibition of additional fees and charges for 2005/2006 Management Plan and for Council consideration to adopt the revised and additional fees and charges.

#### **Resolved:**

(Moved: Councillors Ebbeck/Innes)

- A. That Council adopt the following revised and additional fees and charges as an amendment to the 2005/2006 Management Plan:
  - 1. Minor amendments to a Local Environmental Plan including the Ku-ring-gai Planning Scheme Ordinance or a Local Environmental Plan for the purposes of adding or removing a heritage item, changing the wording of a clause, adding or removing a use to a zoning table that does not require complex assessment or changing development standards that apply to land: \$7,500 plus advertising costs.

2. Minor rezoning application (total site area less than 1 hectare) or major amendment to the Ku-ring-gai Planning Scheme Ordinance or a Local Environmental Plan: \$20,000.00.
  3. Major rezoning application for applications involving institutional sites and sites over 1 hectare in area: \$45,000.00.
  4. Amendment of existing Development Control Plan: \$10,000.00 plus advertising costs.
  5. Preparation of a new Development Control Plan or site specific Local Environmental Plan: \$10,000.00 to \$50,000.00 (quotes available on request).
- B. That those people who made a submission on the matter be advised of Council's decision.

**CARRIED UNANIMOUSLY**

441 **Open Space Amenities Cleaning Contract**

File: S04475

Report by Director Open Space dated 15 September 2005.

**Resolved:**

(Moved: Councillors Ebbeck/Ryan)

- A. That Council exercise its option for a subsequent period for its contract with Cougar Cleaning and Professional Services for the management of Open Space Amenities Cleaning for two years in accordance with Clause 4 (b) of the current Formal Instrument of Contract dated 5 May 2003 attached to the Conditions of Contract and Specification for the Cleaning of Amenities.
- B. The option period of two years commences 1 February 2006 and terminates on 31 January 2008.
- C. The terms of the option to be in accordance with the terms as outlined in the current contract dated 5 May 2003, except as set out in this report.
- D. That the Mayor and General Manager be authorised to execute all necessary documents in relation to the Contract option.
- E. The Common Seal of Council be affixed to all necessary documents.
- F. That prior to the expiration of the two year period, Council calls for an Expression of Interest for the provision of Amenity Cleaning Services within

Open Space areas. From this Expression of Interest, detailed proposals are to be called from short listed organisations.

- G. That should there be any proposed change to the level of service specified in any subsequent contract, such variation is considered by Council prior to the calling of detailed costed bids.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with  
GB.5 – Annual Financial Statements for the Year ended 30 June 2005 next  
then the items where there are speakers  
after a Motion was moved by Councillors Ryan & Ebbeck  
was CARRIED UNANIMOUSLY*

442 **Annual Financial Statements for the Year ended 30 June 2005**

.  
File: S04503

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2005.

**Resolved:**

(Moved: Councillors Ryan/Ebbeck)

- A. That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer.
- B. That Council completes and forwards the Goods and Services Tax Certificate to the Department of Local Government.

**CARRIED UNANIMOUSLY**

443 **2 to 8 Burleigh Street, Lindfield - Demolition of Existing Structures & Construction of a Residential Flat Building Comprising 31 Units, 50 Basement Car Spaces and Landscaping**

.  
File: DA0062/05

Ward: Roseville

Applicant: J & Q Investments Pty Ltd

Owners: J Ka-May-Wu : 2-4 Burleigh Street, P & E Chien: 6 Burleigh Street, RN Hale & CM Evans: 8 Burleigh Street

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

**I Lucas**

**D Chapman**  
**N Juradowich**  
**W Karpin**

To determine Development Application No 62/05 which seeks consent for the demolition of existing structures, construction of a residential flat building comprising 31 units, including basement car parking and landscaping.

**Resolved:**

(Moved: Councillors Hall/Andrew)

- A. That consideration of DA0062/05 at 2-8 Burleigh Street, Lindfield be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

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

*Against the Resolution:   Councillors Innes & Shelley*

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

(Moved: Councillors Shelley/Innes)

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 62/05 for the demolition of existing structures on site and the construction of 20 x 2 bedroom and 11 x 3 bedroom dwellings within a single building, associated access, basement parking and landscaping on land at 2-4, 6 and 8 Burleigh Street, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL**

- 1. The development must be carried out in accordance with plans identified within the following table, and endorsed with Council's approval stamp, except where amended by the following conditions:

**Architectural Plans**

Dwg. No.	Scale	Description	Author	Dated	Lodged
DA-100/A	1:125	SITE PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-101/A	1:100	BASEMENT – 3 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-102/A	1:100	BASEMENT – 2 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-103/A	1:100	BASEMENT – 1 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005

#### PART LOWER L1 PLAN

DA-104/A	1:100	LEVEL 1 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-105/A	1:100	LEVEL 2 AND 3 PLANS	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-106/A	1:100	LEVEL 4 PLAN	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-107/A	1:100	LEVEL 5 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-108/A	1:100	ROOF PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
DA-201/A	1:100	BURLEIGH STREET ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-202/A	1:100	PACIFIC HIGHWAY ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-203/A	1:100	NORTH / WEST ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-204/A	1:100	NORTH / EAST ELEVATION	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-251/A	1:100	SECTION A - A	Brewster Murray P/L	9 Sept 2005	12 Sept 2005
DA-252/A	1:100	SECTION B - B	Brewster Murray P/L	9 Sept 2005	12 Sept 2005

#### Landscape Plans

LA01B	As shown	LANDSCAPE CONCEPT PLAN	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA02A	As shown	LANDSCAPE Taylor HARDWORKS PLAN	Brammer	20 Jan 2005	12 Sept 2005
LA03B	As shown	LANDSCAPE PLANTING PLAN – B1 & L1	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA04A	As shown	PLANTING PLAN LEVELS 2, 3, 4 & 5	Taylor Brammer	12 Sept 2005	12 Sept 2005
LA05A	As shown	LANDSCAPE DETAILS AND SECTION	Taylor Brammer	20 Dec 2004	12 Sept 2005

- 2a. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
- 2b. All building works shall comply with the Building Code of Australia.
3. 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.
4. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

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

13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - 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.

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. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
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. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the



following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm.  
Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

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

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

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Fire hoses are to be maintained on site during the course of demolition.
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 photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
35. 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.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.

37. “Peep holes” shall be provided to the entrance doors of all units for personal security.

38. Compliance with the notations overdrawn on the consent plans.

### *Engineering*

39. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system.
40. 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 is to be 50m<sup>3</sup> or as otherwise determined using the current revision of Council’s DCP 47, and the prescribed re-use of the water on site is to be for toilet flushing and irrigation as a minimum.
41. 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 is to be 40m<sup>3</sup> or as otherwise determined using the current revision of Council’s 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.
42. For stormwater control a minimum 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
43. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
44. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

45. 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.
46. 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.
47. 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.**
48. 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.
49. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) *“Off-Street car parking”*.

50. 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.
51. 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 carpark preventing this service.
52. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
- Appropriate excavation methods and techniques,
  - Vibration management and monitoring,
  - Support and retention of excavated faces.

Must be undertaken in accordance with the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

#### *Landscaping*

53. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

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

54. Landscape works shall be carried out in accordance with Landscape Drawing No LA01 Rev B, LA02 Rev A, LA03 Rev B, LA04 Rev A, LA05 Rev A prepared by Taylor Brammer and dated 07/09/2005 submitted with the Development Application, except as amended by the following:
- Tree #7 *Jacaranda mimosifolia* (Jacaranda) located adjacent to the northern site boundary is to be retained.
  - The proposed pedestrian footpath beneath tree #7 is to be relocated to enable the retention of tree #7.
  - Tree #29 *Chamaecyparis obtusa* 'Crispii' (Hinoki Cypress) is to be removed.
  - Tree #30 *Fraxinus* spp (Ash) is to be removed.
  - Tree #31 *Acer pseudoplatanus* cv. *Atropurpureum* (Sycamore Maple) is to be removed.
  - Tree #32 *Cupressus sempervirens* (Italian Cypress) is to be removed.
  - Tree #33 *Cupressus macrocarpa* 'Brunniana Aurea' (Golden Cypress) is to be removed.
  - Tree #35 *Cedrus deodar* (Himalayan Cedar) located adjacent to the southern site corner/Pacific Hwy Burleigh St corner is to be removed. The *Cedrus* is to be replaced with a single planting, minimum pot size 75 litre, of *Eucalyptus saligna* (Sydney Bluegum).
  - Tree #36 *Cupressus sempervirens* (Italian Cypress) located on Council's Burleigh St nature strip is to be removed.
  - Detail H on sheet LA05 Rev A is to be amended to show a maximum height of 1.8m rather than the 2.2m shown.
55. To maximise landscape and neighbour amenity tree #7 *Jacaranda mimosifolia* (Jacaranda) is to be retained.
56. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
57. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree numbers refer to Arborists report/Landscape Plan	
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m

58. 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 reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals.
59. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	7.0m

60. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
61. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Burleigh St. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

*Syncarpia glomulifera* (Turpentine) x 4

62. Following removal of the existing trees from Council's Burleigh St nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
63. 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.

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

64. 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.

65. 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).

66. 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.
67. 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.
68. 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 TWENTY EIGHT (28) ADDITIONAL DWELLINGS IS CURRENTLY \$583,191.33. 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	\$6,384.75
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

70. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. (Reason: To provide infrastructure that

facilitates the future improvement of the streetscape by relocation of overhead lines below ground).

*Special*

71. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.
- 71a. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the EPA Environmental Criteria for Road Traffic Noise, 1999 and Rail Infrastructure Corporation and State Rail Authority: Interim Guidelines – Consideration of Rail Noise and the Planning Process.
72. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
73. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
74. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).

75. To ensure privacy and amenity to the adjoining property at No. 10 Burleigh Street the following amendments shall be made to the north-eastern elevation:
- Adjustable and/or sliding privacy screens measuring 1.8 metres high shall be provided to Unit No's 6 and 7 to Level 2, 3 and 4 balconies as notated in red on the approved plans.

Details demonstrating compliance with the condition shall be submitted to the PCA prior to the release of the Construction Certificate.

76. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
  - c. Wet area waterproofing details complying with the Building Code of Australia.
  - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
  - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

#### *Landscape*

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

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

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

78. A CASH BOND/BANK GUARANTEE of \$2 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

T4 *Jacaranda mimosifolia* (Jacaranda)  
Adjacent to northern site boundary

T7 *Jacaranda mimosifolia* (Jacaranda) \$500.00  
Adjacent to northern site boundary

*Engineering*

79. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
80. 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.

81. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - b) A clear height clearance of 2.44 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - c) No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - d) Mirrors are to be provided at the ends of one way ramps, as recommended in the report prepared by Masson Wilson Twiney.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

82. 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.
83. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.

- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Rainwater storage tanks are to be sealed and lightproof.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater for toilet flushing and irrigation.
- Details of the required **on-site detention** tanks required under Kuring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Drawings SW-01 to -03, revision B, by J & M Group submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

84. The Applicant proposes to carry out the following infrastructure works in the Public Road:
  - a. lay 375mm diameter pipe and construct a new kerb inlet pit in Burleigh Street.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer.

These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

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

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

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

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

85. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
86. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

87. 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.

### *Landscaping*

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

Tree/Location	Radius in Metres
T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	2.0m

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. 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 to advise as minimum details, the following:
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. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.



92. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
93. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
94. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
95. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

### *Engineering*

96. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth as a minimum. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas. The report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all stakeholders as far as practicable. Where the

consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

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

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

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

Heavy construction vehicles are not to use the Eton Road/Ortona Road/Grosvenor Road route to access the site.

Heavy construction vehicles are to leave the site via Burleigh Street only, to remove the potential for two large vehicles to pass in Llewellyn Lane.

For traffic and pedestrian amenity purposes, no truck movements shall occur in Llewellyn Street or Burleigh Street during school drop-off (8.00 am to 9.30 am) nor during school collection hours (2.30 pm to 4.00 pm).

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

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

In addition, the plan must address:

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

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

98. 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.

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

- a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
- b) Pacific Highway southbound lanes along the frontage of the site.
- c) All driveway crossings and laybacks opposite the subject site.

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

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.

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

100. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
101. Without further written Consent of Council the development is to comply with the following indices:

- a. Maximum floor space ratio 1.224:1.
- b. Maximum building footprint area 967m<sup>2</sup> or 35% of site area.
- c. Number of resident car parking spaces: 42.
- d. Number of visitor car parking spaces: 8
- e. Deep soil landscape area shall not be less than 1518m<sup>2</sup> or 55% of the site area.
- f. Maximum height of 4<sup>th</sup> floor ceiling not to exceed RL 116.675.

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

### *Special*

- 102. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.
- 102a. All works required by the Acoustic Report (Condition No.71a) are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

### *Engineering*

- 103. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
  - Construction of kerb inlet pit and 375mm diameter pipe in Burleigh Street in accordance with the approved plans.

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.

104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88 E 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.
105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b) A copy of any works-as-executed drawings required under this consent

- c) The Engineer's certification of the as-built system.
  - d) 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.
107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- a) That the as-constructed car park complies with the approved Construction Certificate plans,
  - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
  - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - d) That mirrors have been provided at the end of each one way ramp as recommended in the report prepared by Masson Wilson Twiney.
  - e) 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.
  - f) That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - "Off-street car parking",
    - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.
109. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.

- b) That the minimum retention and on-site detention storage volume requirements of other conditions of this consent have been achieved in full.
- c) That retained water is connected and available for uses including toilet flushing and irrigation.
- d) That retained water is stored in a sealed and lightproof container.
- e) 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.
- f) That all grates potentially accessible by children are secured.
- g) 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
- h) 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.
110. 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.

111. 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.
112. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
  - a) According the relevant Australian Standards and guidelines, and
  - b) According to any approved Geotechnical report undertaken for the development, and
  - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the geotechnical investigation report 19047Srpt prepared by Jeffery and Katauskas, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
114. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of all structures originally assessed prior to commencement of works.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If a structure has been demolished in the meantime under a separate development consent, then no follow-up report is required.

115. Prior to issue of the Occupation Certificate the applicant shall submit **to Council** a follow up dilapidation report on the visible (including photos) and structural condition of the following roads and items originally assessed:

- a) Full road pavement width, including kerb and gutter, of Burleigh Street, Llewellyn Street and the lane between, including the full intersection.
- b) Pacific Highway southbound lanes along the frontage of the site.
- c) All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. The structural conditions of all structures originally assessed prior to the commencement of works, must be assessed and the results submitted to Council.

### *Landscaping*

- 116. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
- 117. On completion of the LANDSCAPE WORKS, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

### **BUILDING CONDITIONS**

- 118. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
- 119. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
- 120. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

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

During discussion, the following Notice of Rescission was lodged by Councillors Ebbeck, Hall & Lane.

The following Notice of Rescission was dealt with after a Motion moved by Councillors Hall and Innes to have the matter dealt with at the meeting, was carried and the Chairperson ruled urgency.

*For Urgency:*                      *The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane & Ryan*

*Against Urgency:*              *Councillor Shelley*

"We, the undersigned, hereby rescind the Council's resolution rejecting a site inspection of DA0062/05 and is hereby rescinded."

**Resolved:**

(Moved: Councillors Hall/Ebbeck)

That the Notice of Rescission be adopted as printed.

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

*Against the Resolution:*      *Councillors Innes & Shelley*

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**23 Newhaven Place & 36 to 42 Stanley Street, St Ives - Supplementary Report**

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File: DA0239/05

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

**P Yuile  
K Ozawa  
J McEwen  
A Sneddon**

To respond to issues raised at the Council site inspection and seek Council's determination of the development application.

**Resolved:**

(Moved: Councillors Hall/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 239/05 for the demolition of existing dwellings and the construction of a residential flat building, containing 82 units, basement car parking and landscaping, at 23 Newhaven Place and 36-42 Stanley Street, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

## GENERAL CONDITIONS

1. The development must be carried out in accordance with Project 20050009, plans numbered A011, A012, A013, A101-C, A102-B, A105-B, A106, A201, A301-B and A302 dated March and July 2005, drawn by Scott Carver Architects (Project 20050009), and plans numbered LDA-401, LDA-402, LDA-403 Rev B dated 29/06/ 2005 drawn by SCAPE (Project 20050009) endorsed with Council's approval stamp, except where amended by the following conditions:
2. Landscape works shall be carried out in accordance with Landscape Drawing No LDA-401, LDA-402, LDA-403 Rev B prepared by SCAPE and dated 29/06/2005 submitted with the Development Application, except as amended by the following:
  - Tree #40 *Araucaria heterophylla* (Norfolk Island Pine) is to be retained. Existing levels and grades are to be maintained within a 5.0m radius of the tree. No construction work is permitted within the specified 5.0m radius.
  - Screen planting adjacent to the north eastern site boundary, adjacent to Block A is to be substantially increased. The proposed planting of *Gordonia axillaris* (*Gordonia*) is to be deleted and replaced with eight *Elaeocarpus reticulatus* (Blueberry Ash).
3. Canopy and/or root pruning of any trees 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:
4. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
5. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#3 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to Northern/Newhaven Pl site boundary	4.0m
#4 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m

#8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site boundary	4.0m
#9 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site corner	4.0m
#10 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#12 <i>Hymenosporum flavum</i> (Native Frangipani) Newhaven Pl nature strip	3.0m
#17 <i>Eucalyptus nicholii</i> (Peppermint) Adjacent to western site boundary	4.0m
#33 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north east site boundary	4.0m
#35 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north east site boundary in neighbouring property	4.0m
#36 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to north east site boundary on neighbouring property	4.0m
#40 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to north east site boundary	6.0m
#75 <i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	4.0m
#76 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary	6.0m
#78 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
#88 <i>Eucalyptus scoparia</i> (White Gum) Adjacent to southern/Stanley St site boundary	6.0m
#89 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Adjacent to southern/Stanley St site boundary	3.0m
#90 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to southern/Stanley St site boundary	4.0m
#100 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern/Stanley St site boundary	6.0m
#103 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern/Stanley St site boundary	4.0m
#112 <i>Podocarpus elatus</i> (Brown Pine)	4.0m

Adjacent to western site boundary in  
neighbouring property

#114 *Liriodendron tulipifera* (Tulip tree) 6.0m

Adjacent to western site boundary in  
neighbouring property

#118 *Ginkgo biloba* (Maidenhair tree) 6.0m

Adjacent to northern site boundary

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

Tree/Location

ANY tree to be retained protected by Council's TPO Beneath canopy drip line  
On or off site

7. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
8. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Stanley St. The trees are to be evenly spaced and planted as a formal avenue planting. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

*Angophora costata* (Sydney Redgum) x 10

9. Following removal of the existing trees within the Stanley St nature strip in front of the site, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
10. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
11. 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.
12. 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.
13. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the (newly constructed) in-ground street drainage system in Stanley Street. New drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.

14. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system is to be 216m<sup>3</sup>, and the prescribed re-use of the water on site, must be toilet flushing (each unit), cold laundry (each unit) and garden irrigation as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
15. 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.
16. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drains shall outlets of minimum diameter 150mm to prevent blockage by debris.
17. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
18. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
19. 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.
20. 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.

21. 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.**
22. 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.
23. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
24. 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.
25. 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.
26. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting

geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

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

Must be undertaken in accordance with the recommendations of the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22<sup>nd</sup> February 2005*, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

27. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22<sup>nd</sup> February 2005*. 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 conducted geotechnical inspection, testing and monitoring programs.
28. **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.
29. 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.

30. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
31. To maintain existing ground levels all excavated material shall be removed from the site.
32. 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.

33. 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.
34. 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.

35. All noise generating equipment mechanical equipment 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.

36. Noise emission from the mechanical ventilation system including fan units is not to exceed the background noise level when measures at the nearest property boundary.
37. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
38. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
39. 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.
40. 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.

41. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
42. 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.
43. 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.

44. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
45. A photo record of all the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
46. 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.

47. 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).
48. 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.
49. 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.

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

50. 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 IS CURRENTLY \$1,441,018.67.

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

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - 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 75m <sup>2</sup> )	1.27 persons
Medium dwelling (75 - under 110m <sup>2</sup> )	1.78 persons
Large dwelling (110 - under 150m <sup>2</sup> )	2.56 persons
Very Large dwelling (150m <sup>2</sup> or more)	3.48 persons
New Lot	3.48 persons

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

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

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

52. A CASH BOND/BANK GUARANTEE of \$20 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

#3 *Syncarpia glomulifera* (Turpentine) \$2,000.00  
Adjacent to Northern/Newhaven Pl site boundary

#4 *Syncarpia glomulifera* (Turpentine) \$3,000.00  
Adjacent to northern/Newhaven Pl site boundary

#8 *Syncarpia glomulifera* (Turpentine) \$3,000.00  
Adjacent to north east site boundary

#9 *Syncarpia glomulifera* (Turpentine) \$2,000.00  
Adjacent to north east site corner

#10 *Syncarpia glomulifera* (Turpentine) \$1,000.00  
Adjacent to northern/Newhaven Pl site boundary

#17 *Eucalyptus nicholii* (Peppermint) \$2,000.00

Adjacent to western site boundary

#33 *Jacaranda mimosifolia* (Jacaranda) \$1,000.00

Adjacent to north east site boundary

#40 *Araucaria heterophylla* (Norfolk Island Pine) \$3,000.00

Adjacent to north east site boundary

#75 *Fraxinus 'Raywoodii'* (Claret Ash) \$1,000.00

Adjacent to northern site boundary

#76 *Cedrus deodar* (Himalayan Cedar) \$500.00

Adjacent to northern site boundary

#78 *Jacaranda mimosifolia* (Jacaranda) \$1,000.00

Adjacent to northern site boundary

#100 *Cedrus deodar* (Himalayan Cedar) \$1,000.00

Adjacent to southern/Stanley St site boundary

#103 *Melaleuca quinquenervia* (Broad leaf paperbark) \$1,000.00

Adjacent to southern/Stanley St site boundary

#118 *Ginkgo biloba* (Maidenhair tree) \$1,000.00

Adjacent to northern site boundary

53. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
54. Prior to issue of the Construction Certificate, driveway and associated footpath levels for the new driveway crossing 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.

55. 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 Stanley Street:

- Construction of a new grated gully pit with lintel in Stanley St to facilitate direct in-ground connection of the site drainage system outlet.
- Construction of a new 375 reinforced concrete pipe gutter alignment to join the newly constructed pit to the existing Council drainage system downstream in Stanley Street.

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.

56. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale starting from the kerb-line of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on this plan that:

- Garbage vehicle egress can be accommodated using maximum grades of 20% (1 in 5). This is to allow the laden garbage collection vehicle to climb the ramp, 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 on the curved driveway.

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.

57. 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 layout is to be constructed in accordance with the certified plans.

58. 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.

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Development application concept drainage & OSD/OSR plans, prepared by Dincel and Associates, drawings 05002-C01A and C02A, dated March 2005, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

60. Prior to the issue of a Construction Certificate the applicant must lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:

- Making good any un-repaired damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates,
- Completing any works in the public domain that are required in connection with this approval.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
  - The applicant has not repaired nor commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
  - Works in the public road associated with the development are to an unacceptable quality.
61. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
62. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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

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

Tree/Location	Radius in Metres
#3 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to Northern/Newhaven PI site boundary	4.0m

#4 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#8 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site boundary	4.0m
#9 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to north east site corner	4.0m
#10 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern/Newhaven Pl site boundary	4.0m
#12 <i>Hymenosporum flavum</i> (Native Frangipani) Newhaven Pl nature strip	3.0m
#17 <i>Eucalyptus nicholii</i> (Peppermint) Adjacent to western site boundary	4.0m
#33 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north east site boundary	4.0m
#35 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north east site boundary in neighbouring property	3.0m
#36 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to north east site boundary on neighbouring property	5.0m
#40 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to north east site boundary	6.0m
#75 <i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	4.0m
#76 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to northern site boundary	3.0m
#78 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
#88 <i>Eucalyptus scoparia</i> (White Gum) Adjacent to southern/Stanley St site boundary	3.0m
#89 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Adjacent to southern/Stanley St site boundary	3.0m
#90 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to southern/Stanley St site boundary	4.0m

#100 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern/Stanley St site boundary	4.0m
#103 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to southern/Stanley St site boundary	4.0m
#112 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to western site boundary in neighbouring property	4.0m
#114 <i>Liriodendron tulipifera</i> (Tulip tree) Adjacent to western site boundary in neighbouring property	6.0m
#118 <i>Ginkgo biloba</i> (Maidenhair tree) Adjacent to northern site boundary	4.0m

64. 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.
65. 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 to advise as minimum details, the following:
  - Tree Protection Zone
  - This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  - 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
  - Name, address, and telephone number of the developer.
66. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
67. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
68. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least

twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.

69. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
70. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, founding material and boundary offset for the proposal together with the recommendations of the submitted *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives* by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22<sup>nd</sup> February 2005 (page 6). The dilapidation report shall have regard to protecting the Applicant from spurious claims for structural damage and must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, 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.
71. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan* due to the proximity of the site to the intersection. The following matters must be specifically addressed in the plan:

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

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

Turning areas within the site for construction and spoil removal vehicles

allowing a forward egress for all construction vehicles on the site,

The locations of any Work Zones in the frontage roadways,

Location of proposed crane standing areas

A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries  
Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.  
The provision of an on-site parking area for employees, tradesperson and construction vehicles

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

All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each. The name and certificate number of the traffic control designer must be shown on the Traffic Control Plan.

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

Light traffic roads and those subject to a load or height limit must be avoided at all times.

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

In addition, the plan must address:

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

Minimising construction related traffic movements during school peak periods. For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council must be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.



72. All construction traffic and parking associated with the construction shall be from Stanley Street only. Construction vehicles are not to use Newhaven Place to access the site at any time.
73. 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.
74. 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 colour photographic record**) of the following public infrastructure:
- Full road pavement width, including kerb and gutter, of Stanley Street over the site frontage, extending 20 metres either side of the frontage.
  - All driveway crossings and laybacks opposite the subject site which may be subject to reversing/turning trucks.

The report must be completed by a consulting civil engineer or equivalent. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

- Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

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

appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

75. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
76. 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 reports from the Arborist to the principal certifying authority shall be required at quarterly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
77. 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.
  - Completion of drainage works in road reserve.
  - 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.

78. 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.

79. 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.

80. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

81. 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”.
- 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 the vehicular headroom requirements of:
- Australian Standard 2890.1 - “Off-street car parking”,
- 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

82. 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) for the approval of 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.

- That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
- That retained water is connected and available for uses including all toilet flushing, cold 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.

- 83 Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
84. 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.
85. 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.
86. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:
- According the relevant Australian Standards and guidelines, and
  - According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
  - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
87. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the *Report to Finpac Investments 88 Pty Ltd on Geotechnical and Hydrogeological Investigation for proposed Residential Development at 36-42 Stanley Street and 23 Newhaven Place, St Ives by Jeffery and Katauskas P/L, report 19211SPrpt. dated 22<sup>nd</sup> February 2005*, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.

## BUILDING CONDITIONS

88. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.

- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
89. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
  90. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
  91. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
  92. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
  93. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

**CARRIED UNANIMOUSLY**

**Councillors Ebbeck & Hall withdrew**

**Council adjourned for a short interval at 8.55pm  
after a Motion moved by Councillors Ryan & Shelley**

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

*Against the Resolution:*    *Councillor Innes*

**The Manager Urban Planning (Antony Fabbro) declared  
a pecuniary interest under Section 451  
of the Local Government Act 1993 in respect of the following item -  
GB.9 – Interface Sites between Medium Density (2d3) Sites &  
Single Dwellings and withdrew from the Chamber**

**The Meeting resumed at 9.15pm**

Those present were:

The Mayor, Councillor Malicki  
Councillor Andrew  
Councillor Hall  
Councillor Cross  
Councillor Ebbeck  
Councillor Innes AM  
Councillor Shelley  
Councillor Lane  
Councillor Ryan

445    **Interface Sites Between Medium Density (2d3) Sites & Single Dwellings**

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File: S04048

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

P Dobrijevic  
J Hill  
J Johnston  
S Bannan

N McIntosh  
W McIntosh  
T Blackie  
C Young  
R Law  
T Jackson  
B Buggy  
J Brooker  
M Keir  
M Keir  
W Chan  
J Kirwan  
E Chan

To consider the planning consultants report on sites at the interface with medium density 2(d3) zones and single dwellings.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council receive and note the Interface Sites Report dated 15 August 2005 prepared by "Habitation".

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- B. (i) That no change in zoning be made to the following sites:

**Non Heritage Items**

92 Coonanbarra Road, Wahroonga  
10 Woniora Avenue, Wahroonga  
10 Warwilla Street, Wahroonga  
2 Womerah Street, Turramurra  
15-17 Woonona Avenue South, Wahroonga  
6 Woodville Avenue, Wahroonga  
2b Winton Street, Warrawee  
4 Lowther Park Avenue, Warrawee  
1A Duff Street, Turramurra  
9 Telegraph Road, Pymble  
7 Bannockburn Road, Pymble  
2 Khartoum Avenue, Gordon  
33 McIntyre Street, Gordon  
19-21 Dumaresq Street, Gordon  
7 Moree Street, Gordon  
21 Moree Street, Gordon  
5 Powell Street, Killara  
9 & 11 Powell Street, Killara  
18 Marian Street, Killara  
2 Killara Avenue, Killara  
3 Killara Avenue, Killara



1 Stanhope Road, Killara  
20 Stanhope Road, Killara  
1A Fiddens Wharf Road, Killara  
5 Killara Avenue, Killara  
8A Buckingham Road, Killara  
8 & 10 Wolseley Road, Lindfield  
16 Beaconsfield Parade, Lindfield  
9B Gladstone Parade, Lindfield

**CARRIED UNANIMOUSLY**

(Moved: The Mayor, Councillor Malicki/ Councillor Andrew)

- B. (ii) That the following sites be deferred for site inspection.

6-8 Pymble Avenue, Pymble  
7 - 11 Livingstone Avenue, Pymble

*For the Resolution: The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Innes and Shelley*

*Against the Resolution: Councillors Ebbeck, Hall, Lane and Ryan*

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

*(Moved: Councillors Malicki/Innes)*

- B. (ii) That no change in zoning be made to the following sites:

**Non Heritage Items**

6-8 Pymble Avenue, Pymble  
7 - 11 Livingstone Avenue, Pymble

(Moved: Councillors Ryan/Shelley)

- B. (iii) That no change in zoning be made to the following sites:

**Heritage Items**

8 Wonitora Avenue, Wahroonga  
3 Powell Street, Killara  
7 Powell Street, Killara  
3 Arnold Street, Killara  
10 Buckingham Road, Killara  
1 Grosvenor Road, Lindfield  
3 Boundary Street, Roseville

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- C. That Council review the heritage status of the following heritage items "and that a report be brought back on the heritage status review together with recommendations for rezoning where appropriate".

8 Woonona Avenue South, Wahrenonga  
14 Woonona Avenue South, Wahrenonga  
36 McIntyre Street, Gordon  
33 Moree Street, Gordon (including an assessment of the rezoning regardless of the recommendations of the heritage review).  
8 Pearson Avenue, Gordon  
1 Caithness Street, Killara  
5 Victoria Street, Roseville

8 Cecil Street, Gordon  
12 Cecil Street, Gordon  
14 Cecil Street, Gordon  
11 Buckingham Road, Killara

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- D. That consideration as to whether there should be any rezoning of 20 and 24 Marian Street, Killara be deferred pending the heritage review of 1 Caithness Street, Killara. Consideration of 4B, 6 and 8 Finlay Road, Turramurra is to be deferred pending Council's consideration of the proposed nominated area controls for the Finlay Road, Lamond Drive and Duff Street Precinct, Turramurra

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- E. That Council prepare a Draft Local Environmental Plan to permit medium density development of the lands identified in Parts F and G hereunder in the manner indicated.

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- F. That the Draft Local Environmental Plan provide for the rezoning of 10-12 Culworth Avenue, Killara to 2(d3).

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- G. (i) That the Draft Local Environmental Plan provide for the rezoning of the following properties to permit medium density development up to 3 storeys in height in the manner indicated:

*Townhouses of 2 storeys plus attic*

2 and 2A Munderah Street, Wahroonga  
5 Heydon Avenue, Wahroonga  
5 Eulbertie Avenue, Warrawee  
4 & 6 Eulbertie Avenue, Warrawee  
3 to 9A Womerah Street, Turrumurra  
12, 14, 16, 18, 20, 22 & 24 Nelson Road, Lindfield  
5, 5A & 7 Beaconsfield Parade, Lindfield

8 Warrangi Street, Turrumurra  
3 Warrangi Street, Turrumurra  
10, 12, 12A Bobbin Head Road, Pymble  
4 Bushlands Avenue, Gordon  
7 Yarabah Avenue, Gordon  
4 Yarabah Avenue, Gordon  
5 Cecil Street, Killara

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- G. (ii) That the Draft Local Environmental Plan provide for the rezoning of the following properties to permit medium density development up to 3 storeys in height in the manner indicated:

*Units and Townhouses*

18, 20, 22 & 24 Bent Street, Lindfield  
41 & 43 Dumaresq Street, Gordon  
34 & 36 Dumaresq Street, Gordon  
5 & 5A Cherry Street, Warrawee

**CARRIED UNANIMOUSLY**

(Moved: Councillors Ryan/Shelley)

- H. That the following sites be deferred for consideration in the stage 2 Town Centre Study:

30 Turrumurra Avenue, Turrumurra  
37 & 39 Gilroy Road, Turrumurra  
3 Wonga Wonga Street, Turrumurra  
1 & 3 Nulla Nulla Street, Turrumurra  
5 Duff Street, Turrumurra  
2 Nulla Nulla Street, Turrumurra  
14A and 16B Park Crescent, Pymble

10 Park Crescent, Pymble  
3 - 5 Alma Street, Pymble

**CARRIED UNANIMOUSLY**

(Moved: Councillors Andrew/Innes)

- I. That the following items be included in part B of the resolution:

1578 Pacific Highway, Wahroonga  
1574 Pacific Highway, Wahroonga

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

*Against the Resolution:*    *Councillors Cross, Ebbeck & Ryan*

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

(Moved: Councillors Ryan/Ebbeck)

- I.    (i)    That 1574 Pacific Highway, Wahroonga be included in part C of the  
         resolution.
- (ii)    That consideration as to whether there should be any rezoning of  
         1578 Pacific Highway, Wahroonga be deferred pending the heritage  
         review of 1574 Pacific Highway, Wahroonga.

(Moved: Councillors Ryan/Shelley)

- J.    That Council advise the Department of Planning of its resolution under Section  
      54(4) of the Environmental Planning and Assessment Act 1979.
- K.    That Council notify relevant agencies of its preparation of a Draft Local  
      Environmental Plan and undertake consultation in accordance with Section 62 of  
      the Environmental Planning and Assessment Act 1979.
- L.    That when prepared the Draft Local Environmental Plan be brought to Council  
      for consideration and Council's resolution to place the draft Plan on public  
      exhibition.

**CARRIED UNANIMOUSLY**

446 **Heritage Advisory Committee - Minutes of Meeting held 27 June 2005**

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File: S03816

For Council to receive and note the minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

**Resolved:**

(Moved: Councillors Andrew/Innes)

That Council note the Minutes from the Heritage Advisory Committee Meeting held 27 June 2005.

*For the Resolution:           The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Ebbeck, Innes and Shelley*

*Against the Resolution:   Councillors Hall, Lane and Ryan*

447 **Motion of Dissent**

File: S04145

During debate on the above matter, a Motion of Dissent was moved by Councillor Hall on the Mayor's ruling on a point of order.

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

*For the Motion of Dissent:       Councillors Ebbeck, Hall, Lane & Ryan*

*Against the Motion of Dissent:   The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Innes & Shelley*

448 **Additional Bus Shelters - Public Consultation Review & Proposed Sites**

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File: S03552

To report the comments and outcome from the public consultation on the proposed locations of additional shelters and seek approval for the installation of shelters.

**Resolved:**

(Moved: Councillors Hall/Ryan)

- A. That Council approves the 8 additional sites for advertising and non-advertising in accordance with the list in Attachment 2 of the report and defer site number 9 for further consideration.

- B. That Council endorses the location for an additional advertising shelter(s) on Pacific Highway, near Highfield Road, Lindfield for further public consultation and for further clarification of usage by the school.
- C. That the double shelter on the western side of Mona Vale Road, North of Woodbury Road be considered for a review by Adshell.

**CARRIED UNANIMOUSLY**

**At 11.55 pm a Motion moved by Councillors Innes & Ebbeck  
to extend the meeting until  
12.15am was put to the vote and CARRIED UNANIMOUSLY**

### **QUESTIONS WITHOUT NOTICE**

449 **Prosecution of Applicant at 1596 Pacific Highway, Wahroonga**

File: DA1081/04-6

Question Without Notice from Councillor T Hall

Would the Mayor advise the status of the prosecution she initiated against Meriton in respect of the alleged removal of trees affected by DA1081/04, please?

**Answer by the Mayor**

Councillor, the Mayor didn't initiate any prosecution. The Council initiated a prosecution.

**Answer by the General Manager**

We will report and advise.

450 **Planning Minister's Visit**

File: S02036

Question Without Notice from Councillor T Hall

I refer the Mayor to her answer in Minute No 427 that "not all Mayors have" issued a Mayoral Minute following a deputation with the Planning Minister.

I ask, will the Mayor identify those occasions?

Has the Mayor denied the residents of Ku-ring-gai openness and transparency in that the Minister's visit included that there would be NO multi-unit developments over

5-storeys in Stage 2 and further, medium density may need to be considered around the Ku-ring-gai's neighbourhood shopping centres? These matters surely should have been made known to our residents via a Mayoral Minute.

**Answer by the Mayor**

No to the first part and No to second, Councillor Hall.

451 **Open Meetings**

File: S03878

Question Without Notice from Councillor A Ryan

You are on record as saying Planning Meetings should be open to the public as "they have the greatest impact on residents". Could you please tell us when those meetings will be opened as there are some major items coming up for consideration by this Council?

**Answer by the Mayor**

I am happy to open the next one, Councillor Ryan.

**Question by Councillor Ryan**

And every one thereafter?

**Answer by the Mayor**

Certainly, I will be absolutely delighted. I wonder if the Chairs of other Committees would also open their Committees to the public. That is the question for your consideration.

452 **Open Meetings**

File: S02355

Question Without Notice from Councillor G Innes

Are such meetings able to be open to the public without a decision of Council bearing in mind the previous resolutions last year establishing certain criteria for committees?

And my second question is to Councillor Ryan, which is will she open the Policy meeting to the public?

**Answer by Councillor Ryan**

I am more than happy to open any meetings to the public if the majority of Councillors decide that it is the right thing to do.

**Answer by Mayor**

Mr Bell, would you answer the first part, please?

**Answer by the General Manager**

The answer is Yes, Madam Mayor and Councillors. They can be open to the public if Councillors so choose. There is nothing precluding that. As you know, they are not formal committees, they are simply working parties/discussion groups. They have never been formally closed.

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

The next Inspections Committee will take place on date to be advised to view the following property:

2 Dakara Close, Pymble.

*The Meeting closed at 12.05am*

The Minutes of the Ordinary Meeting of Council held on 18 October 2005 (Pages 1 - 88) were confirmed as a full and accurate record of proceedings on 8 November 2005.

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General Manager

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Mayor / Chairperson



## LIST OF CARRIED FORWARD WORKS, 2004/2005

Departments	Request to Carry Forward		
	Expenditure \$	Income \$	Net \$
<b>Community Services</b>	125,900	109,900	(16,000)
<b>Open Space</b>	883,300	771,400	(111,900)
<b>Planning &amp; Environment</b>	514,100	205,000	(309,100)
<b>Technical Services</b>	854,500	854,500	0
<b>Total Projects</b>	<b>2,377,800</b>	<b>1,940,800</b>	<b>(437,000)</b>

<b>COMMUNITY SERVICES</b>					
<b>Project</b>	<b>Source of Funding</b>	<b>Expense \$</b>	<b>Income \$</b>	<b>Net \$</b>	<b>Comments</b>
100151 - Library Self-Checkers 2003/2004	Unexpended Grant	39,200	39,200	0	Awaiting upgrade of Spydus software before implementation of the self checkers.
100055 - A Non-User Survey of Ku-Ring-Gai Library	Unexpended Grant	31,500	31,500	0	State Library NSW grant funding project was delayed due to timing of the funding, it is expected to be completed in March 2006.
100064 - Special Purpose Grants 2004/2005	Unexpended Grant	39,200	39,200	0	State Library NSW grant funding project, the money will be used to pay for the costs of leasing the self checkers.
400010 - Centenary of Local Government 2004/2005	General	16,000	0	16,000	Monies to be used to finalise research phase for Centenary of Local Government project.
<b>Total Projects</b>		<b>125,900</b>	<b>109,900</b>	<b>16,000</b>	

OPEN SPACE					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100016 - Sportsfield Refurbishment	Loan Reduction Reserve	253,700	253,700	0	Funds required for Queen Elizabeth Reserve. Tenderer appointed & project commenced.
100020 - Catchment Management	General	86,900	0	86,900	Funds required for completion of restoration works (Bushland) & stormwater off-take at Barra Brui. Outstanding invoices require payment. Project will be completed in September 2005.
100023 - Stormwater Trust Strategic Grant 2003/04	Unexpended Grant	62,300	62,300	0	Multi-year grant project. Project will be completed in December 2005.
100025 - Blackbutt Creek Stormwater & CEP 2003/04	Grant	25,600	25,600	0	Multi-year grant project. The project is completed, funds required to be carried forward for maintenance of devices.
100027 - Greenwood Quarry 2003/04	General	25,000	0	25,000	Funds will be needed for technical investigation works.
100028 - Sportsfield Refurbishment 2003/04	Loan Reduction, Section 94 & Sportsfield Reserve	209,600	209,600	0	Funds required for outstanding invoices at Barra Brui and also to complete the project. Expected completion in September 2005.

OPEN SPACE					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100031 - Noxious Weeds 2003/2004	Unexpended Grant	2,400	2,400	0	Grant project. This is an ongoing project till June 2006.
100037 - Noxious Weeds 2004/2005	Grant & Unexpended Grant	16,900	16,900	0	Grants awarded in 2005. This is an ongoing project expected to be finished by June 2006.
100045 - Integrated Catchment Restoration along	Unexpended Grant	68,000	68,000	0	Multi-year grant funded project.
100061 - Bicentennial Park Picnic Area	Loan Reduction Reserve	46,000	46,000	0	Funds required to pay contractor for outstanding invoices. Project is almost complete.
100069 - Wildflower Garden Solar Panels	Unexpended Grant	8,000	8,000	0	Grant awarded in 2005. Funds are required to complete the project. Completion expected by end of first quarter 2005/2006.
100080 - North Turrumurra Recreation Area 2003/04	Section 94	10,000	10,000	0	Brief has been issued as per Director's Memo to Councillors. This is a Section 94 funded project.
100129 - Bushland Interface Project	Unexpended Grant	29,300	29,300	0	Multi year grant funded project. Scheduled completion in September 2005.

OPEN SPACE					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100152 - Cowan Catchment Ripa Wd Control 03/04	Unexpended Grant	15,100	15,100	0	Funds required for stage 3 of project. Scheduled completion in June 2006.
100155 - St Ives Tree Planting-Simhilt Settlement 03/04	Grant	23,800	23,800	0	Funds required for legal settlement. Final stage of planting being currently undertaken.
100188 - Maintenance of RTA Enviropod	Unexpended Grant	700	700	0	Funds are required to pay for outstanding invoices.
<b>Total Projects</b>		<b>883,300</b>	<b>771,400</b>	<b>111,900</b>	

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100005 - RDS Stage 2 - Traffic Studies	General	48,700	0	48,700	Part of Stage 2 RDS town centres traffic studies ongoing invoices, project substantially commenced.
100021 - Heritage Item Assessment	General	80,000	0	80,000	Project commenced, consultant appointed. Project due for completion in January 2006.
100146 - RDS Stage 2 - Public Domain / Landscape	General	55,300	0	55,300	Part of Stage 2 RDS town centres, project substantially commenced, it is an ongoing project.
100147 - RDS Stage 2 - Special Consultancy	General	12,000	0	12,000	Part of Stage 2 RDS, feasibility studies and other planning information.
100148 - RDS Stage 2 - Project Manager	General	45,900	0	45,900	Funding for Urban Designer input for town centre planning projects.

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100036 - Queen Elizabeth Reserve 2003/04	General	6,100	0	6,100	Funds required for site audit relating to Queen Elizabeth Reserve.
100038 - Heritage DCP 2003/2004	General	43,000	0	43,000	Suggest funds to be carried forward as part of Ku-ring-gai wide comprehensive LEP.
100040 - Heritage UCA - Stage III 2003/04	General	12,800	0	12,800	Funds carry forward required to pay for two outstanding invoices for finalisation of project.
100041 - Mixed Use Commercial LEP 2003/04	General	12,700	0	12,700	Funds required as part of the RDS Stage 2 and Comprehensive LEP
100042 - SEPP 65 Design Panel 2003/04	General	30,000	0	30,000	Awaiting Minister to appoint the Panel, funds then to be managed by Development & Regulations, for operation of the SEPP5 Panel.

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100158 - RDS Stage II - Retail Study 2003/2004	General	49,400	0	49,400	Funds required for RDS Stage 2, two invoices were paid in July 2005, carry over the residual.
100159 - St Ives Conservat-100-102 Rosedale 03/04	Natural Environment Reserve	5,000	5,000	0	Required to pay funds already dispersed to Blue Gum High Forest Committee.
100043 - Special Area Studies Consultation 2003/04	General	18,500	0	18,500	Funds required to pay outstanding invoices for these projects.
100177 - Urban Design	General	45,000	0	45,000	Funds required to pay outstanding invoices for these projects and additional urban design consultants fees.
100178 - Economic Advice	General	40,000	0	40,000	Part of RDS Stage 2 town centre projects, awaiting building envelopes, FSR and other works to be finalised for Economic Feasibility testing.



PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100179 - Community Consultation	General	1,000	0	1,000	Partly overspent.
100186 - Interface Issues - Notice of Motion	General	8,700	0	8,700	Project invoices outstanding for total amount to completed study in September 2005.
100298 - Planning Reform Fund Program	Grant	0	200,000	(200,000)	Grant funding of \$200,000 awarded in July 2005 towards a staged approach to the comprehensive Ku-ring-gai LEP. This will be used to fund specific planning projects in the current financial year. Receipt of this funding is subject to finalisation of a memorandum of understanding from DIPNA.
<b>Total Projects</b>		<b>514,100</b>	<b>205,000</b>	<b>309,100</b>	

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100138 - Fiddens Wharf Rd	Footpath Reserve	15,000	15,000	0	Currently working on design. Project is expected to be completed by November 2005.
100143 - Kendall St	Footpath Reserve	50,000	50,000	0	Design completed, Awaiting on contractor. Project is expected to be completed by November 2005.
100144 - Lady Game Drive	Footpath Reserve	50,000	50,000	0	Currently working on design. Project is expected to be completed by November 2005.
100165 - Kissing Point Rd	Footpath Reserve	45,000	45,000	0	Waiting on contractor. Project is expected to be completed by November 2005.
100166 - Yanko Rd	Footpath Reserve	28,000	28,000	0	Waiting on contractor. Project is expected to be completed by November 2005.
100167 - Bobbin Head Rd	Footpath Reserve	46,000	46,000	0	Waiting on contractor. Project is expected to be completed by November 2005.

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100168 - Kiparra St	Footpath Reserve	19,000	19,000	0	Currently working on design. Project is expected to be completed by November 2005.
100192 - Eastern Arterial Rd St Ives	Unexpended Grant & Loan Reduction Reserve	127,500	127,500	0	RTA grant received in June and work completed in July. RTA payment allowed until August 2005
100193 - Fox Valley Rd Wahroonga	Unexpended Grant & Loan Reduction Reserve	112,500	112,500	0	RTA grant received in June and work completed in July. RTA payment allowed until August 2005
100194 - Eastern Rd Turramurra	Unexpended Grant & Loan Reduction Reserve	35,000	35,000	0	RTA grant received in June and work completed in July. RTA payment allowed until August 2005
100039 - Werona Ave Underpass	Grant	73,700	73,700	0	Work carried over to be done with roadworks scheduled for 2005/2006.
100051 - 30 Warragal Rd Implemt Kerb Gutter 03/04	Loan Reduction Reserve	40,000	40,000	0	Work carried over to be done with roadworks scheduled for 2005/2006.

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Income \$	Net \$	Comments
100170 - Bannockburn Rd - Traffic Program	Loan Reduction Reserve	50,300	50,300	0	Consultation undertaken and KTC approval. Design to commence.
100171 - Maxwell St - Traffic Program	Loan Reduction Reserve	10,000	10,000	0	Design currently underway.
100173 - Pentecost Ave - Traffic Program	Loan Reduction Reserve	70,000	70,000	0	Consultation carried out. Awaiting funding from RTA.
100057 - Access Works Council Chambers 2003/04	Loan Reduction Reserve	13,500	13,500	0	Development application plans currently being finalised.
100073 - Firs Estate Cottage 2003/2004	Property Reserve	53,400	53,400	0	Funds required to complete works.
100189 - Energy Australia - Kulgoa Avenue	Contribution To Works	15,600	15,600	0	Restoration work completed in July 2005. EnergyAustralia has provided funding.
<b>Total Projects</b>		<b>854,500</b>	<b>854,500</b>	<b>0</b>	

**Table 2.0 Response Form Summary**

<b>Form No.</b>	<b>Site</b>	<b>Support (Y)</b>	<b>Support (N)</b>	<b>Residents Remarks</b>	<b>Follow up action required</b>
6	1		1	Insufficient setback, usage, sight visibility.	Site not correctly located on map. Reply sent to resident
5	3	1		Wants to relocate shelter and stop to accommodate future garage and driveway. Contact no. 0403 114 166	Need to contact Forest and owner of 103 regarding relocation.
8	5	1		Relocate shelter and seat to enable no obstruction	
9	5		1	Complaint about Advert shelter, visibility, risk of vandalism, illuminations	Shelter is non-advert as shown on map. Site positioned in consultation with owner. Low light illumination - solar powered. Shelter maintained under periodic maintenance schedule.
2	6	1		Shelter good idea, Trees near site need to be investigated	
12	6	1		Great position for a shelter	
14	6	1		More than appreciated	
7	7			Concerned about blocking access of cars from Nadene – sight visibility	
13	7	1		Traffic visibility though needs to be considered	
15	7		1	Sight visibility problem	
10	8		1	Low usage, risk of vandalism, waste of ratepayers money. Alternate suggests at corner of Pacific Hwy and Highfield for Route 565- servicing W Lindfield, W Killara, Macquarie	Shelters provided by Adshel at no cost to ratepayers. Maintained under schedule. Alternate possible
16	8		1	Risk of encouraging vandalism. Suggest alt location near Highfield	
17	8			Suggest alt location near Highfield	
19	8		1	Compatibility with heritage of church, usage, block message board	
1	9		1	Rubbish, narrow footpath, difficulty exiting driveway	
11	9			Concern for encouragement of loitering, sight dist for exiting cars	
4	10		1	Impede reversing onto Clive St	I would need to question this activity to see if this is permitted under ERTA regulations, and discuss with owner
3	11		1	Infrequent use, reduced streetscape, low demand	
20	12		1	Perceived target for increase noise and vandalism. Visibility from unit. Proposed site 0/s 666 preferable - near commercial building, closer to Killara shopping precinct, would relocate nite bus from residential block	
18	13			Not in favour of demolishing, smaller shelter, compatibility, landscaping.	Site is on SAN land, Masperplanning process may jeopardise I-term location