

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 NOVEMBER 2005

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

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

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

480 **APOLOGIES**

File: S02194

Councillor Shelley tendered an apology for late arrival.

Resolved:

(Moved: Councillors Ryan/Innes)

That the apology by Councillor Shelley for late arrival be accepted.

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.

No such interest was declared.

PRESENTATION BY THE LOCAL CONTROLLER OF THE KU-RING-GAI STATE EMERGENCY SERVICES UNIT

File: S02541

The Controller of the Ku-ring-gai SES Unit reported on the Unit's activities during 2004 to 2005.

Resolved:

(Moved: Councillors Hall/Innes)

That Ku-ring-gai Council extend its appreciation to the Ku-ring-gai State Emergency Service for its protection of life and property in the area and the Mayor write to the Controller in terms of this resolution.

CARRIED UNANIMOUSLY

PRESENTATION OF DONATIONS TO COMMUNITY ORGANISATIONS

The Mayor, Councillor Malicki, presented donation cheques to various Community Groups as part of Council's support of these Groups.

The Mayor thanked them all for their efforts within the Ku-ring-gai community.

**Council adjourned for a short interval at 7.30pm
after a Motion moved by Councillors Ebbeck & Ryan was CARRIED
and the Chairperson ruled accordingly.**

The Meeting resumed at 7.40pm

Those present were:

The Mayor, Councillor Malicki
Councillor Andrew
Councillor Bennett
Councillor Hall
Councillor Cross
Councillor Ebbeck
Councillor Innes AM
Councillor Shelley (arrived)
Councillor Lane
Councillor Ryan

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Innes)

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:

Late Item: Attachments to Report - Offer of Co-Contribution towards Purchase of Blue Gum High Forest at Rosedale Road & further Funding Initiatives

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

N Pallin
Y Jayawardena
C Denaro
V Harris
C Berlioz

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:

- GB.2: 1215 to 1217 Pacific Highway, Turramurra - Memorandum from Director Development & Regulation dated 22 November 2005.
- GB.9: 2004 to 2005 Annual Report - Memorandum from Director Open Space & Planning dated 21 November 2005 regarding the final draft of the NSROC State of Environment Regional Report.
- NM.1: Release of 2002 Council Reports & Plans, marked Confidential in the Public Interest - Memorandum from Corporate Lawyer dated 22 November 2005.
- Late Item: Offer of Co-Contribution towards Purchase of Blue Gum High Forest at Rosedale Road & further Funding Initiatives - Report by Director Open Space & Planning dated 2 November 2005.

CONFIRMATION OF MINUTES

483 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 8 November 2005

Minutes numbered 453 to 479

Resolved:

(Moved: Councillors Hall/Ebbeck)

That the Minutes numbered 453 to 479 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

484 **Objection to Council's Outdoor Dining & Footpath Trading Policy - (Forty-Two [42] Signatures)**

File: S03004

"We, the undersigned, would like to voice our disapproval regarding your footpath trading policy for retail shops at Roseville.

Please protect our village atmosphere."

Resolved:

(Moved: Councillors Innes/Shelley)

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

CARRIED UNANIMOUSLY

*Standing Orders were suspended to hear all items
where there are speakers first
after a Motion moved by Councillors Ryan & Shelley
was CARRIED UNANIMOUSLY*

GENERAL BUSINESS

485 **Budget 2005/2006 1st Quarter Review as at end September 2005**

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File: S03918

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2005.

Resolved:

(Moved: Councillors Ryan/Innes)

That Council adopt the variations contained in the report.

CARRIED UNANIMOUSLY

486 **Investment Cash Flow & Loan Liability as at 31 October 2005**

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File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of loan liability for October 2005.

Resolved:

(Moved: Councillors Ryan/Innes)

That the summary of investments, daily cash flows and loan liability for October 2005 is received and noted.

CARRIED UNANIMOUSLY

487 **2004 to 2005 Annual Report**

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File: S02015

To present to Council the Statutory Annual Report for 2004/2005 in accordance with Section 428 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Innes/Lane)

That the Annual Report for the period, 1 July 2004 to 30 June 2005, be received and noted.

CARRIED UNANIMOUSLY

488 **Analysis of Land & Environment Court Costs 1st Quarter 2005/2006**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the First Quarter ended 30 September 2005, including appeals commenced, costs incurred by Council and outcomes.

Resolved:

(Moved: Councillors Innes/Hall)

That the analysis of Land & Environment Court costs for the first quarter of the financial year 2005/2006 be received and noted.

CARRIED UNANIMOUSLY

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

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 20 October 2005.

Resolved:

(Moved: Councillors Lane/Innes)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 20 October 2005 be received and noted.

CARRIED UNANIMOUSLY

490 **Testing of Treated Pine at Child Care Centres**

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File: S04278

The purpose of this report is to advise Council of the test results carried out on the treated pine play equipment and soils at various child care centres.

Resolved:

(Moved: Councillors Innes/Lane)

- A. That the report be received and noted.
- B. That the two child care centres which have contaminated soils be advised that council can assist with the supply of replacement material up to a value of \$500 for each site.
- C. That funds for this purpose be made available from Council's Building Maintenance budget.

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

Against the Resolution: *Councillor Bennett*

491 **Calling of an Extraordinary Meeting**

File: S04019

To set a meeting date for an Extraordinary Meeting of Council.

Resolved:

(Moved: Councillors Innes/Shelley)

That an Extraordinary Meeting of Council be held on Thursday, 15 December 2005, commencing at 7.00pm to deal with the St Ives Centre Planning - Exhibition of Draft LEP and DCP.

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

Against the Resolution: *Councillor Bennett*

492 **Offer of Co-Contribution towards Purchase of Blue Gum High Forest at Rosedale Road & further Funding Initiatives**

File: S02462

To update Council regarding conservation of land at Rosedale Road, to consider an offer of contribution towards purchase of the remaining lot as an offset relating to a development approval within the Baulkham Hills L.G.A and consider additional funding opportunities.

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That Council accept the offer of funds representing a development offset and should the development application proceed, place the funds in an internally restricted reserve for the purpose of acquiring 102 Rosedale Road, St Ives.
- B. That staff enter dialogue with the owners of 102 Rosedale Road, St Ives as to potential agreement regarding the long term conservation of this land.
- C. That staff prepare, in collaboration with the Blue Gum High Forest Group, an application for grant funding towards the purchase of 102 Rosedale Road and submit this application to the Department of Environment and Heritage.
- D. That Council seek further support from the Member for Bradfield, The Hon. Dr Brendan Nelson, MP in relation to funding opportunities and other opportunities.
- E. That additional funding sources as outlined in the Report be pursued and reported to Council.

CARRIED UNANIMOUSLY

493 **2A & 2B Killara Avenue, Killara - Section 82A Review of Council's Refusal of the Demolition of Existing Houses & Construction of a Residential Flat Building Comprising Eighteen (18) Units, Thirty-Eight (38) Basement Car Spaces & Associated Landscaping**

File: DA1334/04-2

Ward: Gordon

Applicant: Red Sea Investments Pty Ltd

Owner: EJ & ME Anderson, P & C Blanden

To review the refusal of Development Application No.1334/04 under Section 82A of the EP&A Act, 1979, which sought consent for the demolition of existing dwellings on site and construction of a single residential flat building.

Resolved:

(Moved: Councillors Ryan/Lane)

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

THAT Council, as the consent authority, having considered the application for review of its' determination, resolve to approve Development Application No 1334/04 for the demolition of existing structures on site and construction of 18 apartments within one building, associated access, basement parking and landscaping on land at 2a and 2b Killara Avenue, Killara, 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.	Revision	Description	Author	Dated	Lodged
A-100	03	Site Plan	Vanovac Architects	15 July 2005	12 September 2005
A-201	07	Ground Floor Plan	Vanovac Architects	21 July 2005	12 September 2005
A-202	07	Level 1 Floor Plan	Vanovac Architects	21 July 2005	12 September 2005
A-203	05	Level 2 Floor Plan	Vanovac Architects	15 July 2005	12 September 2005
A-204	06	Level 3 Floor Plan	Vanovac Architects	15 July 2005	12 September 2005
A-300	06	Elevations	Vanovac Architects	21 July 2005	12 September 2005
A-301	06	Section 101 & E/W Elevations	Vanovac Architects	21 July 2005	12 September 2005
A-200-B1-3	01	Basement Plan	Vanovac Architects	21 October 2005	11 November 2005
A-200-B2-3	01	Basement Plan	Vanovac Architects	21 May 2005	11 November 2005

Landscape Plans

Dwg. No.	Revision	Description	Author	Dated	Lodged
4073-01	D	Landscape Plan	Peter Glass & Associates	15 July 2005	20 September 2005

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The 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.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. 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).*
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation,

including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

16. 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.

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

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

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

18. 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.
19. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling

and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. 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.
35. 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.
36. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
37. 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.
38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
39. "Peep holes" shall be provided to the entrance doors of all units for personal security.
40. Compliance with the notations overdrawn on the consent plans.

Engineering

41. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to street drainage system in Killara Ave, via the approved site stormwater management system. New drainage line connections shall conform and comply with the requirements described in Ku-ring-gai Council Water Management Development Control Plan 47.

42. A mandatory rainwater re-use tank system comprising rainwater tanks of minimum total volume **18m³** must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.
43. A mandatory on-site detention system comprising stormwater detention tanks of (minimum) total volume **42m³** must be provided for the development.
44. 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.
45. A maintenance period of six (6) months shall apply to any works on Council drainage assets within the site carried out by the applicant, **after** works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
46. Where required, the adjustment or additions 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.
47. All public footways and accessways 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. Certified traffic controllers must be utilised wherever a conflict may occur. 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.**
48. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis

and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

49. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
50. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
51. 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. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
52. 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 shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
53. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of a geotechnical report to be prepared under the conditions of this consent. Over the course of the works a qualified Geotechnical / hydrogeological Engineer must complete the following:
 - * Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - * Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - * Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
54. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.

55. All construction traffic control and management measures shall be implemented in accordance with an approved *Construction Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works, and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
56. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
57. The proposed waste collection vehicle turntable must be installed in accordance with the respective manufacturers' standards and guidelines.
58. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.

Heritage

66. Demolition of buildings at No. 2B Killara Avenue, Killara

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

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

The report is to be a bound A4 report and must include copies of drawings submitted with the application including available site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports submitted with the application. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

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

- * Each elevation of the house and garage and each interior room of the house and garage.
- * Photographs of specific details nominated by Council.
- * All structures on site such as sheds, outhouses and significant landscape features.

- * Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- * Title page.
- * Statement of reasons the recording was made.
- * Location Plan showing relationship of site to nearby area.
- * Site plan to scale (1:200 – 1:500) showing all structures and site elements.
- * Floor Plan (sketch) of house and garage.
- * Black & White archival quality photography, contact prints and selected prints (one copy with negatives other copies with contact sheets and selected prints).
- * Colour slides (one set).

Digital images and CDs may be submitted as supplementary information.

Landscaping

68. 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.
69. Landscape works shall be carried out in accordance with Landscape Drawing No 4073-01 Rev D prepared by Peter Glass and Associates and dated 15/07/05 submitted with the Development Application, except as amended by the following:
 - * Tree #30 *Cinnamomum camphora* (Camphor laurel) is to be removed and replaced with an advanced *Eucalyptus saligna* (Bluegum) with a minimum pot size of 45 Litre.
 - * Tree #3 *Liquidambar styraciflua* (Sweet Gum) is to be removed and replaced with an advanced *Eucalyptus saligna* (Bluegum) with a minimum pot size of 45 litre.
 - * Tree #'s 31 *Nerium oleander* (Oleander), #5 *Robinia pseudoacacia* 'Frisia' (Golden Robinia), #23 *Jacaranda mimosifolia* (Jacaranda), #21 *Acer negundo* (Box Elder) and #25 *Cotoneaster* sp. are to be removed as per the consulting arborists recommendations.
 - * The proposed planting of three *Eucalyptus pilularis* (Blackbutt) adjacent to the northwest site boundary are to be located so that they have a minimum separation from each other of 10.0m to allow adequate area for the canopy and root system to grow and mature.
 - * Tree #2 *Schinus ariera* (Peppercorn) located on Council's Killara Ave nature strip is to be removed as per the Arborists recommendations and replaced with another Peppercorn with a minimum pot size of 25 Litre.
 - * To ensure the ongoing health and vigour of existing trees and proposed planting, existing levels and grades are to be maintained outside of the building footprint on the northern side.

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

Tree/Location

#2 Schinus areira (Peppercorn)
Killara Ave nature strip

71. 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.
72. 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
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#13 Eucalyptus saligna x botryoides	7.0m
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Adjacent to south east/Killara Ave site frontage

#26-29 various species	3.0m
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Adjacent to south west/Pacific Hwy frontage

73. 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.
74. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
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#13 Eucalyptus saligna x botryoides	5.0m
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Adjacent to south east/Killara Ave site frontage

#26-29 various species	2.0m
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Adjacent to south west/Pacific Hwy frontage

75. 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.

76. Following removal of the #2 *Schinus areira* (Peppercorn) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
77. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:
- Plant Species
- Cinnamomum camphora* (Camphor laurel)
Cotoneaster sp. (Cotoneaster)
Ligustrum lucidum (Large-leaved Privet)
78. 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

79. 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.

80. 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).
81. 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.

82. 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.
83. 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 SIXTEEN (16) ADDITIONAL DWELLINGS IS CURRENTLY **\$249,493.82**. 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

Engineering

84. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned and delineated layout plan for all aspects of the vehicle access and accommodation arrangements. A qualified civil/traffic engineer must provide specific written certification with these parking layout plans that:

- * All parking space dimensions, driveway and aisle widths, grades, transitions, circulation ramps, blind aisle situations and trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- * A clear height clearance of 2.5 metres headroom is provided for waste collection trucks over the designated basement garbage collection truck manoeuvring areas.
- * No security doors, gates, grilles or the like are provided in the access driveways to the basement car park which would prevent full and unrestricted access for internal garbage collection from the basement garbage storage area.

This condition is required to ensure safe and efficient vehicular access and accommodation arrangements for future residents and service providers within the site.

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

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

The longitudinal sections **must incorporate the driveway crossing levels as issued by Council** upon prior application.

86. The applicant shall forward, for the approval of Council's Manager Waste Services, full details of the proposed turntable to be used by the small waste collection vehicle inside the site. The turntable is to be designed to the capacity of the waste collection vehicle and shall be simple to operate. The written approval of Council's Manager Waste Services is to be obtained and forwarded to the Principal Certifying Authority prior to issue of the Construction Certificate.
87. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will comprise 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.
88. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
89. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
90. Prior to issue of the Construction Certificate the Applicant shall 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 (PCA) for approval prior to Construction Certificate issue. 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 shall be met in full prior to issue of the Occupation Certificate.
91. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing 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.

For the subject development a new gutter bridge will be specified, to be installed by Council upon payment of the estimated cost of the works.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. **Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.** The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

92. 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 LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Ku-ring-gai Council Water Management DCP 47.
93. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - * Exact location and reduced level of discharge point to the public drainage system.
 - * Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - * Location(s), dimensions and specifications for the required **rainwater storage and reuse tanks and systems** (minimum volume to be 18m³). Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - * Specifications for reticulated pumping facilities (including pump type and manufacturer specifications), holding wells and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 (minimum uses toilet flushing, laundry in each unit).
 - * Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plans by Rosycivil Pty Ltd, plans H1, H2, H3, H4, H5 dated 04/04/05 submitted with the development application, to be revised and advanced as necessary for construction issue purposes.

Special

94. 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.
95. 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*).
96. Two (2) 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*).
97. 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*).
98. To maintain the privacy and general amenity of No.2 Killara Avenue, privacy screens 1.8 metres high shall be erected along the north-east elevation of the

balconies/terraces to Units Nos 14, 16 and 18. The privacy screens shall span the length of the balconies/terraces (approximately 2 to 3 metres) as notated in red on approved plan no's A-202, A-203 and A-204.

99. 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

100. 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.

101. A CASH BOND/BANK GUARANTEE of \$5 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to retain the whole or part therefore of the bond to cover restorative works. Any remaining bond may then be returned to the applicant.

Tree/Location

#13 Eucalyptus saligna x botryoides
Adjacent to south east/Killara Ave site frontage

102. To ensure the ongoing health and vigour of existing trees to be retained, any proposed energy substation to be located on site is to be located outside the canopy drip line of ANY tree to be retained located on site or adjoining properties. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

103. 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

104. 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 pedestrian footpath shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
#13 Eucalyptus saligna x botryoides Adjacent to south east/Killara Ave site frontage	5.0m

105. 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.
106. 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.
107. 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.
108. 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.
109. 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.
110. 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.
111. 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, 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.

Engineering

112. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:

- * Full road pavement width, including kerb and gutter, of Killara Ave over the site frontage, including twenty metres either side of the site frontage.
- * All driveway crossings and laybacks opposite the subject site.
- * Pacific Highway southbound lane and nature strip for the full site frontage.

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

113. 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.

114. 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.
115. Prior to the commencement of **any** excavation works the applicant must submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:

- * The type and extent of substrata formations by the provision of a minimum of three (3) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore-hole logs shall be related to Australian Height Datum.
- * The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- * The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
- * The existing groundwater levels in relation to the basement structure, where influenced.
- * The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- * Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

- * No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- * No changes to the ground water level are to occur as a result of the development, that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

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

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

116. Prior to issue of any Construction Certificate the applicant shall 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 buildings within the 'zone of influence' of the excavation. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal, subsoil conditions and recommendations contained in the Geotechnical report prepared for construction. The report shall have regard to protecting the Applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

117. 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.

Engineering

118. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified by the required geotechnical report 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.
119. 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 double width concrete driveway crossing in accordance with levels and specifications issued by Council.
- * Construction of a fully new asphaltic concrete footpath over the full site frontage in Killara Ave. Crossfall to be 3% towards street.
- * Removal of **all** redundant driveway crossings, gutter bridge crossings, piped gutter crossings 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).
- * Trimming of Killara Ave road shoulder to accommodate adjusted levels resulting from the removal of redundant elevated gutter bridge crossings.
- * 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. A **written** acknowledgment from Council with respect to this condition being satisfied must be obtained by the Principal Certifying Authority prior to issue of the Occupation Certificate.

120. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
121. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - * That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - * That the minimum retention (18m³) and on-site detention storage volume (42m³) requirements have been achieved in full.
 - * That retained water is connected and available for uses including all toilet flushing and laundry uses.
 - * 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.

122. 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.

123. Prior to issue of an Occupation Certificate the following must be provided to Ku-ring-gai Council (attention Development Engineers):

- * A copy of the approved Construction Certificate stormwater drainage plans which show the retention and on-site detention systems.

- * A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
 - * All Engineer's certifications specified in this consent.
 - * This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.
124. 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 a 2.5m height clearance for waste collection trucks (refer Ku-ring-gai Council DCP 40) are met from the public street into and within the applicable areas of the basement car park.
125. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively, a final compliance letter from the respective supply authorities may be supplied for approval by the Principal Certifying Authority.
126. Upon completion of the waste collection vehicle turntable installation, a suitably qualified traffic or structural engineer must certify that the device is structurally sound and has been installed in accordance with the manufacturer's guidelines. The certification must also confirm that the device is operating satisfactorily. The certificates are to be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
127. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act

1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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.

128. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

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.

129. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance 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.
130. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

131. 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 including Council's infrastructure and neighbouring dwellings, unless such dwellings have been demolished under a separate consent.

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.

Landscaping

132. The landscape works shall be completed prior to issue of the Occupation Certificate and maintained in a satisfactory condition at all times.
133. 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, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

130. 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.
131. 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.
132. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

133. 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.

134. 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.

CARRIED UNANIMOUSLY

494 **1151 to 1153 Pacific Highway & 4 to 8 Bobbin Head Road, Pymble - Demolition of Existing Dwellings & Construction of Three Residential Flat Buildings Comprising 68 Residential Units, Basement Car Spaces, Landscaping & Swimming Pool**

File: DA0661/05-2

Ward: Wahroonga

Applicant: Pymble Development Pty Ltd

Owner: Seo's Construction and Technology, S. & H. Suh, D. Leim

The following members of the public addressed Council:

G Herkes

L Hunt

To determine development application No. 0661/05 which seeks consent for the demolition of existing dwellings and construction of three residential flat buildings comprising 68 residential units, basement car spaces, landscaping and swimming pool.

Resolved:

(Moved: Councillor Ebbeck/Cross)

THAT the Council, as the consent authority grant development consent to DA 0661/05 for the demolition of existing structures on site and construction of three (3) five storey residential flat buildings comprising sixty-eight (68) units, basement car parking, landscaping and swimming pool on land at 1151 to 1153 Pacific Highway and 4 to 8 Bobbin Head Road, Pymble, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development shall be carried out in accordance with plans as follows

AR00B1	Rev C	Basement 1 Plan	Dated 25 October 2005
AR00B2	Rev B	Basement 2 Plan	Dated 2 June 2005
AR00B3	Rev B	Basement 3 Plan	Dated 2 June 2005
AR001	Rev B	Level 1 Plan	Dated 25 October 2005
AR002	Rev A	Level 2 Plan	Dated 2 June 2005
AR003	Rev A	Level 3 Plan	Dated 2 June 2005
AR004	Rev A	Level 4 Plan	Dated 2 June 2005
AR005	Rev A	Level 5 Plan	Dated 2 June 2005
AR006	Rev A	Roof Plan	Dated 2 June 2005
AR007	Rev A	Elevations 1	Dated 2 June 2005
AR008	Rev A	Elevations 2	Dated 2 June 2005
AR010	Rev A	Sections 1	Dated 2 June 2005
A DA-101	Rev A	Level 1 Plan	Dated 2 June 2005
A DA-102	Rev A	Level 2 Plan	Dated 2 June 2005
A DA-103	Rev A	Level 3 Plan	Dated 2 June 2005
A DA-104	Rev A	Level 4 Plan	Dated 2 June 2005
A DA-105	Rev A	Level 5 Plan	Dated 2 June 2005
A DA-106	Rev A	Roof Plan	Dated 2 June 2005
A DA-107	Rev A	Elevations	Dated 2 June 2005
A DA-108	Rev A	Elevations	Dated 2 June 2005
A DA-109	Rev A	Sections	Dated 2 June 2005
A DA A 120	Rev A	Adaptable Unit Layouts	Dated 2 June 2005
B DA-101	Rev A	Level 1	Dated 2 June 2005
B DA-102	Rev A	Level 2	Dated 2 June 2005
B DA-103	Rev A	Level 3 Plan	Dated 2 June 2005
B DA-104	Rev A	Level 4 Plan	Dated 2 June 2005
B DA-105	Rev A	Level 5 Plan	Dated 2 June 2005
B DA-106	Rev A	Roof Plan	Dated 2 June 2005
B DA-107	Rev A	Elevations	Dated 2 June 2005
B DA-108	Rev A	Elevations	Dated 2 June 2005
B DA-109	Rev A	Sections	Dated 2 June 2005
B DA-120	Rev A	Adaptable Unit Layouts	Dated 2 June 2005

C DA-101	Rev A	Level 1 Plan	Dated 2 June 2005
C DA-102	Rev A	Level 2 Plan	Dated 2 June 2005
C DA-103	Rev A	Level 3 Plan	Dated 2 June 2005
C DA-104	Rev A	Level 4 Plan	Dated 2 June 2005
C DA-105	Rev A	Level 5 Plan	Dated 2 June 2005
C DA-106	Rev A	Roof Plan	Dated 2 June 2005
C DA-107	Rev A	Elevations	Dated 2 June 2005
C DA-108	Rev A	Elevations	Dated 2 June 2005
C DA-109	Rev A	Sections	Dated 2 June 2005
C DA-120	Rev A	Adaptable Unit Layouts	Dated 2 June 2005

drawn by Robertson and Marks Architects, and endorsed with Council's approval stamp, except where amended by the following conditions:

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. 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.
15. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance.

Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.

16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. 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.

19. 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.

20. 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.
21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain

documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.

22. 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.

23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
28. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
29. 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.
30. 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.

31. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
32. 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.
33. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
34. 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.
35. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
36. Fire hoses are to be maintained on site during the course of demolition.
37. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
38. 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.

39. 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.
40. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
41. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
42. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
43. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
44. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
45. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

46. 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 No. /Species /Location	Radius From Trunk
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres

Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	5 metres
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47. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree No. /Species /Location	Radius From Trunk
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres
Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	5 metres

48. 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.
49. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system in Bobbin Head Road, via the stormwater management system on site. The Applicant's attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
50. 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 68m³, 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).
51. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system is to be 118m³, as required by chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47). The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
52. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

53. 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.
54. 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.
55. 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.
56. The adjustment or inclusion of any utility service facilities (including relocation of the power and light pole to make way for the new driveway crossing) must be carried out by the applicant in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services, at the appropriate stage of the development (including power, water, phone, gas and the like). It is assumed that the Applicant has considered such matters in the design and 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.
57. 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.

58. 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.
59. 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".
60. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Co-ordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-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.
61. 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 fixed devices are to be provided in the access driveways to the basement car park preventing this service. If an alternative system such as a sensor operated door is proposed, details are to be approved by Council's Manager Waste Services.
62. 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:

- * Excavation methods and techniques appropriate to founding conditions,
- * Vibration management and monitoring,
- * Support and retention of excavated faces,
- * Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the "Report on Geotechnical Investigation – Proposed Residential Development Corner of Bobbin Head Rd & Pacific Hwy. Pymble" by Douglas Partners, project 37892, dated 31st March 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.

63. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the “Report on Geotechnical Investigation – Proposed Residential Development Corner of Bobbin Head Rd & Pacific Hwy. Pymble” by Douglas Partners, project 37892, dated 31st March 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.
64. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
65. One hundred and three (103) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
- 86 - Residential
 - 17 – Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. *(Reason: To ensure that adequate parking facilities to service the development are provided on site).*

66. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council’s Heritage Advisor before any demolition works commence.

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

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

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

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

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

71. 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 FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY **\$1,149,638.20**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

73. The stormwater plan by Australian Consulting Engineers, Drawing no. D02, Revision C, dated 24/10/05 is not approved and will require the following

amendments. An amended plan shall be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

To preserve the following trees the stormwater pit located in the north eastern corner of the site shall be dug by hand no roots > 50mm in diameter removed or severed within the specified radius of the trees trunks. These details shall be indicated on the amended plan.

Tree No. /Species /Location	Radius From Trunk
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres

Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	6 metres
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74. The submitted landscape plan Drawing No. LO -5, Revision C prepared by Knox and Partners and dated 20/10/05 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- * To provide sufficient screening of the development from Pacific Hwy, 3 x *Syzygium paniculatum* (Brush Cherry) shall be planted along the western boundary starting from the south western corner 7 metre centres.
- * Additional shrub planting that attains a height of 2 to 6 metres is required along the Pacific Hwy and Bobbin Head Road frontages.
- * To provide a visual screen an additional *Eucalyptus saligna* (Sydney Blue Gum) shall be planted on the Bobbin Head Road frontage.
- * To provide visual screening all year round the proposed planting of 2 *Koelreutaria paniculata* (Golden Rain Tree) located on the eastern side of lock A shall be replaced with 2 *Syncarpia glomulifera* (Turpentine).
- * The proposed planting of 2 *Eucalyptus saligna* (Sydney Blue Gum) and 1 *Eucalyptus pilularis* (Blackbutt) located on the western boundary between Blocks B & C shall be replaced with 2 x *Syncarpia glomulifera* (Turpentine).
- * The proposed planting of 1 *Koelreutaria paniculata* (Golden Rain Tree) shall be replaced with 1 x *Syncarpia glomulifera* (Turpentine).
- * To provide visual screening of the development all year round the proposed planting of 9 *Lagerstroemia indica* (Crepe Myrtle) shall be replaced with evergreen species.
- * The proposed planting of *Ginkgo biloba* (Maiden-hair Tree) on the southern boundary adjacent to Block A shall be replaced by 1 *Syncarpia glomulifera* (Turpentine).

- * To the satisfaction of Council's landscape officers, landscape plans be amended to replace proposed Turpentine and Coachwood with Blue Gums, Blackbutts, Grey Ironbarks and Angophora floribunda as appropriate. The number of canopy trees along the northern boundary are to be increased and to be super advanced at planting.
- * To the satisfaction of Council's landscape officers, landscape plans be amended to require 50% of plantings other than canopy trees to be sourced from the Blue Gum High Forest ecological community.

75. The property shall support a minimum number of 20 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.
76. The 19 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
77. A cash bond/bank guarantee of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the Occupation Certificate, 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 \$19,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree No. / Species / Bond / Location

Tree 203 / *Eucalyptus saligna* (Sydney Blue Gum) / \$6,000.00 / Pacific Hwy frontage

Tree 382 / *Liquidambar styraciflua* (Liquidambar) / \$3,000.00 / Bobbin Head Rd nature strip

Tree 400 / *Liquidambar styraciflua* (Liquidambar) / \$4,000.00 / Bobbin Head Rd nature strip

Tree 784 / *Liquidambar styraciflua* (Liquidambar) / \$4,000.00 / Bobbin Head Rd nature strip

Tree 432 / *Acer palmatum* (Japanese Maple) / \$1,000.00 / North eastern corner

Tree 429.2 / *Loropetalum chinense* (Chinese Fringe Flower) / \$1,000.00 / Eastern boundary, adjacent to Block A

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 structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
80. 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 the Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings 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 and RTA 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 construction issue 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. Or that the approval of Council’s Manager Waste Services has been obtained to the proposed means of access.

The vehicle access and accommodation layout is 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.

82. 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, 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 the Stormwater Drainage Plans prepared by Australian Consulting Engineers, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

84. 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, power pole relocation, 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.
85. 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

86. 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. These are:

- * 1155 Pacific Highway;
- * 2 Bobbin Head Road;
- * 1149 Pacific Highway;
- * 10 Bobbin Head Road (residence and swimming pool).

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

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

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

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

Traffic Control Plan(s) for the site

- * All traffic control 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.

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.
- * 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.

For traffic and pedestrian amenity, no construction vehicle movements are to occur in Bobbin Head Road during school drop-off and pick-up hours, 8.00 to 9.30am and 2.30 to 4.00pm.

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.

88. 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.

89. 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:

- * Bobbin Head Road including footpath and kerb and gutter for the full frontage of the development site, extending to the Pacific Highway intersection.
- * Pacific Highway southbound lane including footpath and kerb and gutter for the full frontage of the development site and extending to the Bobbin Head Road intersection; and
- * All driveways in Bobbin Head Road opposite the development site.

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.

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.

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

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

wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed;

- * Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves;
- * All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

91. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.
92. 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.
93. To preserve the following tree/s, no demolition, tree removal or building works shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree No. /Species /Location	Radius From Trunk
Tree 203 / <i>Eucalyptus saligna</i> (Sydney Blue Gum) / Pacific Hwy frontage	5 metres
Tree 382 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	2 metres
Tree 400 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	2 metres
Tree 784 / <i>Liquidambar styraciflua</i> (Liquidambar) / Bobbin Head Rd nature strip	2 metres
Tree 432 / <i>Acer palmatum</i> (Japanese Maple) / North eastern corner	3 metres
Tree 429.2 / <i>Loropetalum chinense</i> (Chinese Fringe Flower) / Eastern boundary, adjacent to Block A	3 metres

94. 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.
95. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to

the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

96. The landscape works, screen planting, canopy replenishment, tree planting shall be installed in accordance with the approved plans and/ or conditions of consent, be completed prior to issue of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
97. The Principal Certifying Authority shall ensure that the landscape works, screen planting, canopy replenishment, tree planting have been installed correctly, faithful to the approved landscape plan(s), specification and the conditions of consent prior to issue of the Occupation Certificate.
98. 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 and layback in accordance with levels and specifications issued by Council.
 - * Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - * Full repair and resealing of any road surface damaged during construction.
 - * Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
 - * All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.
99. 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.

100. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
101. 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 driveway crossing has a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment.

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 car park.

102. 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.

103. 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 RLs 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.
104. 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.
105. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
106. 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.
107. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the "Report on Geotechnical Investigation – Proposed Residential Development Corner of Bobbin Head Rd & Pacific Hwy. Pymble" by Douglas Partners, project 37892, dated 31st March 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.
108. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- * 1155 Pacific Highway;
 - * 2 Bobbin Head Road;
 - * 1149 Pacific Highway;
 - * 10 Bobbin Head Road (residence and swimming pool).

- * Bobbin Head Road including footpath and kerb and gutter for the full frontage of the development site, extending to the Pacific Highway intersection
- * Pacific Highway southbound lane including footpath and kerb and gutter for the full frontage of the development site and extending to the Bobbin Head Road intersection; and
- * All driveways in Bobbin Head Road opposite the development site.

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

BUILDING CONDITIONS

109. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

110. 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

495 **1215 Pacific Highway, Turramurra - Demolition of Two (2) Residential Dwelling Houses & Construction of One (1) x Five (5) Storey Residential Flat Building Comprising Thirty (30) Units & Basement Car Parking**

File: DA0680/05

Ward: Wahroonga
Applicant: PHT Pty Ltd
Owner: PHT Pty Ltd

The following members of the public addressed Council:

**A Owens
S Schinagel
P Martin
T Naylor
G Thomson**

To determine development application No. 0680/05, which seeks consent for the demolition of two (2) residential dwelling houses and construction of one five storey residential flat building, comprising thirty (30) units and basement parking.

Resolved:

(Moved: Councillors Malicki/Bennett)

- A. That consideration of DA680/05 at 1215 Pacific Highway, Turramurra 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, Bennett, Cross, Ebbeck, Hall, Innes, Lane &
Shelley*

Against the Resolution: Councillor Ryan

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

(Moved: Councillor Ebbeck/Cross)

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 0680/05 for the demolition of existing structures on site and construction of one (1) five (5) storey residential flat buildings comprising thirty (30) units, basement car parking and associated landscaping on land at 1215-1217 Pacific Highway, for a period of two (2) years on a deferred commencement basis, subject to the following conditions:

Schedule A

1. The applicant is to submit documentary evidence to Council that the boundary adjustment under DA679/05 has been registered and that all works associated with that approval have been completed. Such evidence is to be approved by Council prior to the operation of the consent.

Schedule B

GENERAL CONDITIONS

1. The development shall be carried out in accordance with plans as follows

B01	Issue A	Location Plan Building B	Dated 22 June 2005
B02	Issue H	Level 1 Plan	Dated 4 April 2005
B03	Issue H	Level 2 Plan	Dated 4 April 2005
B04	Issue H	Level 3 Plan	Dated 4 April 2005
B05	Issue H	Level 4 Plan	Dated 4 April 2005
B06	Issue F	Level 5 Plan	Dated 4 April 2005
B07	Issue F	Level 6 Plan	Dated 4 April 2005
B08	Issue F	Level 7 Plan	Dated 4 April 2005
B09	Issue F	Level 8 Plan	Dated 4 April 2005
B10	Issue C	Roof Plan	Dated 4 April 2005
B11	Issue E	West Elevation	Dated 4 April 2005
B12	Issue E	South Elevation	Dated 4 April 2004
B13	Issue E	East Elevation	Dated 4 April 2004
B14	Issue E	North Elevation	Dated 4 April 2004
B15	Issue D	Section A-A	Dated 4 April 2004
B16	Issue D	Section B-B	Dated 4 April 2004

drawn by *Futurespace*, and endorsed with Council's approval stamp, except where amended by the following conditions:

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. All building works shall comply with the Building Code of Australia.
4. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. 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.
15. With regard to the proposed rock breaking the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. 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.
19. 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.

- 20. 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.
- 21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Subdivision Certificate.
- 22. 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.

- 23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

24. The fence and footings shall be constructed entirely within the boundaries of the property.
25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
28. 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.
29. 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.
30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
31. 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.

32. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
33. 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.
34. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
35. Fire hoses are to be maintained on site during the course of demolition.
36. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
37. 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.
38. 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.
39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
41. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
42. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.

43. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
44. Archival recording to be undertaken to the Heritage Office guideline for local heritage significance. The document is to be approved by Council's Heritage Advisor before any demolition works commence.
45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the interallotment drainage system benefiting the subject site.
46. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
47. 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.
48. 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 drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
49. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
50. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

51. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
52. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
53. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.
54. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
55. 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.
56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. 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 shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).

58. Geotechnical aspects of the development works, particularly excavation, vibration monitoring, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas Ref 19362Vrpt.
59. Approval is to be obtained from Ku-ring-gai Council Traffic Committee and RTA for any temporary public road closures and/or placement of cranes on public land.
60. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
61. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
62. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
63. 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.
64. Landscape works shall be carried out in accordance with Landscape Drawing No 19.05/053 prepared by Ian Jackson, Landscape Architects and dated April 2005 submitted with the Development Application, except as amended by the following:
 - * The proposed planting of *Nyssa sylvatica* (Tupelo) centrally located in the front setback are to be increased in pot size from 25litre to 100litre.
 - * The proposed planting of a *Eucalyptus saligna* (Bluegum) adjacent to the western site corner in the front setback is to be located so that it

has a minimum setback of 6.0m from the proposed energy substation kiosk.

- 64a. To the satisfaction of Council's landscape officers, landscape plans be amended to replace proposed Syncarpia (Turpentine) and Ceratopetalum (Coachwood) with Blue Gums, Blackbutts, Grey Ironbark s and Angophora floribunda as appropriate
- 65b. To the satisfaction of Council's Landscape Officer's Landscape Plans be amended to require 50% of plantings other than canopy trees to be sourced from the Glue Gum High Forest ecological community.
- 65. REMOVAL/PRUNING of the existing tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

Tristaniopsis laurina (Water Gum)
Pacific Hwy nature strip

- 66. 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.
- 67. 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
#29 Chamaecyparis obtusa (Hinoki Cypress)	3.0m
Adjacent to the south east (side) site boundary	

- 68. 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.
- 69. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along the Pacific Hwy as an evenly spaced avenue. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Eucalyptus saligna (Bluegum) x 7

- 70. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
Any existing tree protected by Council's TPO	Beneath the canopy drip line
On site, within proposed drainage easement or adjoining properties	

71. Following removal of the *Tristania laurina* (Water Gum) x 2 from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
72. 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.
73. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
74. Forty nine (49) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
 - 41 - Residential
 - 8 - Visitors/Service Vehicles

Such spaces are to be identified on-site by line-marking and numbering upon the completion of the works. Car-parking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building. *(Reason: To ensure that adequate parking facilities to service the development are provided on site).*

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

75. 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.

76. 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).

77. 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.
78. 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.
79. 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 FIFTY-TWO (52) ADDITIONAL DWELLINGS IS CURRENTLY **\$458,944.99**. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to

reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

80. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
81. Prior to issue of the Construction Certificate, a qualified civil/traffic engineer must endorse the drawings and certify that:
 - * Mirrors are shown as recommended in the report prepared by Masson Wilson Twiney;
 - * Traffic lights are shown in the correct location at each end of one way car park ramps, including the entry ramp from the Pacific Highway;
 - * Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2 004 "Off-Street car parking".
82. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including

electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.

83. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.
84. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these.

Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

The longitudinal section through the driveway prepared to satisfy another condition of this consent is to be submitted with the application.

85. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed

driveway, starting from the outer lane of the Pacific Highway and extending 10 metres inside the property boundary. The driveway profiles must demonstrate that vehicular access to the development can be obtained without scraping of vehicles. Council's Extreme Low Level No. 3 profile (Plan No. 94-030-VC7) is to be used unless otherwise approved. The design levels at the boundary may need to be lowered slightly to accommodate the profile.

86. 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 LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be generally in accordance with the Stormwater Drainage plans prepared by AFCE Environment + Infrastructure, submitted with the development application, and advanced as necessary for construction issue purposes. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall

be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.

90. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

91. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the southbound road pavement of Pacific Highway, including kerb and gutter, over the site frontage.

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. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

- * Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage 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 where possible

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.
- * Approval is to be obtained from Ku-ring-gai Council and RTA for any temporary road closures or crane use from public property.

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

- * Light traffic roads and those subject to a load or height limit must be avoided at all times.
- * 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. Basement parking is to be made available to employees as soon as possible.
- * The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall 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.

93. Prior to the commencement of any works on the site, the applicant shall 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 buildings within the 'zone of influence' of the excavation. Dilapidation surveys of 2 Womerah Street and 1213 Pacific Highway are required unless written advice is received from the geotechnical engineer that no such surveys are necessary. If submitted, reports must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
94. 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.
95. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered and the works are not to commence until approval has been granted. The designs are to include details of the following:

- * RTA concurrence to the proposed temporary rock anchors.

- * How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
- * That the locations of the rock anchors are registered with Dial Before You Dig.
- * That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- * That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- * That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
- * Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
- * All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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

97. 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
#29 Chamaecyparis obtusa (Hinoki Cypress)	3.0m
Adjacent to the south east (side) site boundary	

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

99. 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.

100. 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.
101. 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.
102. 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.
103. 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.

104. 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.

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

105. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
106. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
107. An easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
108. 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.
109. 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 the consent authority. The following details

must be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:

- a. The endorsement fee current at the time of lodgment.
- b. The 88B Instruments plus six (6) copies,
- c. A copy of the Occupation Certificate,
- d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
- e. A copy of all works-as-executed plans required under the consent,
- f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- g. The Section 73 (Sydney Water) Compliance Certificate.

Council officers 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.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

- 110. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 111. 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).
- 112. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 113. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as

specified in the report 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 issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

- * Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
- * Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall 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.

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 and RTA. This shall be at no cost to Council or the RTA.

115. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
116. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
117. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
- * That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
 - * That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
 - * That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).

- * The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
 - * The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
118. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
- * As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
 - * As built locations of all access pits and grates in the retention systems, including dimensions.
 - * The achieved capacity of the retention storages and derivative calculations.
 - * Top water levels of storage areas and indicative RLs through the escape flow path in the event of blockage of system.
 - * As built surface and invert levels for all drainage pits and junction points.
 - * Gradients of drainage lines, materials and sizes.
 - * As built level(s) at the approved point of discharge to the public drainage system.

The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

119. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- * A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
 - * A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
 - * All Engineer's certifications specified in this consent.

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

120. Prior to occupation or issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities - to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
121. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
122. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
- * Mirrors are provided as recommended in the report prepared by Masson Wilson Twiney;
 - * Traffic lights are provided as required at each end of one way car park ramps;
 - * Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and
 - * No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- * Pacific Highway southbound lane for the full frontage of the site;

- * Residences at 2 Womerah Street and 1213 Pacific Highway, if originally assessed.

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 approval, no follow-up survey is required.

124. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
125. 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 the Occupation Certificate.

BUILDING CONDITIONS

126. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
 - a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

127. 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.

Councillor Ryan withdrew

496

1219 to 1223 Pacific Highway, Turramurra - Demolition of Two (2) Residential Dwelling Houses & Construction of One (1) Residential Flat Building of 33 Units & Basement Car Parking.

File: DA0681/05

Ward: Wahroonga

Applicant: PHT Pty Ltd

Owner: PHT Pty Ltd

The following members of the public addressed Council:

S Schinagel

P Martin

T Naylor

G Thomson

To determine development application No. 0681/05, which seeks consent for demolition of two (2) residential dwelling houses and construction of one (1) x five (5) storey residential flat buildings comprising thirty-three units and basement car parking.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That consideration of DA0681/05 at 1219 to 1223 Pacific Highway, Turramurra 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, Bennett, Cross, Ebbeck, Hall & Shelley*

Against the Resolution: Councillors Innes & Lane

19 Fairlawn Avenue, Turramurra

File: DA0487/05

The following members of the public addressed the Council:

T Mulhearn

T Stavley

Councillor Ryan returned during discussion

To determine Development Application No 0487/05, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy. The application was called to Council by Councillors Cross and Ebbeck.

Supplementary report to Council.

Resolved:

(Moved: Councillors Ebbeck/Cross)

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

THAT the Council, as the consent authority, grant development consent to Development Application No. 0487/05 for demolition of the existing structures on site and the construction of a detached dual occupancy development with associated parking and landscaping on land at 19 Fairlawn Avenue, Turramurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development must be carried out in accordance with plans 2 and 3, dated March 2000, lodged 20 May 2005, and plans 1 and 4, dated March 2005 and lodged 10 November 2005 drawn by Hans Waldmann and Associates, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

14. 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.
15. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. 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.

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

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

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

20. 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.
21. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
22. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
23. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
24. 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.
25. 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.

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. 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.
28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. 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.

31. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
32. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
33. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
34. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
35. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
36. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system and generally in accordance with the submitted concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005). *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
37. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47 – prior to 4 May 2005 revision).
38. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized grates is to be located **within** the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
39. 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.

40. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
41. 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.**
42. 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.
43. 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".
44. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

45. 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.
46. 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.
47. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan.
48. 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.
49. To protect the following trees, no strip footings or change to natural ground level may occur within the radius specified below.

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	7

50. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following stages of work. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location

Melaleuca species (Paperbark)

Time of inspections

Prior to commence of works

During excavation for isolated pier footings within 7 metres of this tree.

After completion of works.

To supervise any canopy or root pruning necessary.

51. 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.
- 51b. The kitchen window to House 2 shall have a high light window installed, with a sill height of 1.6 metres above floor level.
- 51c. 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.

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

52. 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.

53. 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.
54. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- * Exact location and reduced level of discharge point to the public drainage system.
- * Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- * Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- * Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.
- * Details of any 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 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 (prior to 4 May 2005 revision), Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005) submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

55. Prior to issue of the Construction Certificate the submitted concept drainage plans by AFCE Environment & Building (refer Drawing No 353040/C2, Revision A, dated 3/2005) must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address at least the following issue:
 - * Site storage capacity for House 1, increased to comply with Section 6.7 from Council's Water Management DCP47 (prior to 4 May 2005 revision).
56. Landscape works shall be carried out in accordance with Landscape Drawing No 16491 prepared by Precinct Landscapes and dated 29 April 2005 submitted with the Development Application, except as amended by the following:
 - * All existing Camellia species along the side boundaries are to be retained. These are to be shown on the landscape plan. Where there are gaps in the existing vegetative screen, plants capable of reaching a minimum height of 5 metres are to be allocated.
 - * A distance of 1.5 metres shall be provided from the eastern boundary, in which screen planting is to be located. The screen planting shall be

established along the width of Dwelling 2. The paving currently indicated is not approved.

- * The landscape plan shall be altered to correctly reflect the architectural plans – specifically, the distance of 4.5 metres side boundary setback for Dwelling 1 shall be correctly indicated.

- 57. Planting along the eastern site boundary is to consist of **advanced plant species that are capable of contributing dense screening and** attaining a minimum height of 5 metres.
- 58. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

Melaleuca species (Paperbark)

- 59. 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.
- 60. 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

Melaleuca species (Paperbark)

Radius From Trunk

7

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

Tree/Location

Melaleuca species (Paperbark)

Radius From Trunk

7

- 62. 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.

- 63. A CASH BOND/BANK GUARANTEE of \$3000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

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

The location and details of the footings shall be submitted to The Principal Certifying Authority and be approved by a fully qualified Consulting Arborist prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Melaleuca species</i> (Paperbark)	7m

65. 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.

66. 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).

67. 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.
68. 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.
69. 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 1

ADDITIONAL LARGE DWELLING IS CURRENTLY \$19,039.30. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - <i>Turrumurra/Warrawee</i>	\$4,723.00
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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

70. 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.
71. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
 - * The existing footpath
 - * The existing kerb and gutter
 - * The existing full road surface between the opposite kerb
 - * The existing verge area
 - * The existing driveway and layback where to be retained
 - * Any existing drainage infrastructure including pits, lintels, grates.

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

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

Tree/Location	Radius From Trunk
<i>Melaleuca species</i> (Paperbark)	2 metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	5 metres

73. 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.
74. 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 compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

75. 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/retention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

76. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
77. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
78. 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 approval to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- * That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- * That the minimum retention and on-site detention storage volume (if required) requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 (prior to 4 May 2005 revision) respectively, have been achieved in full.
- * That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
- * That subsoil areas are able to drain via a sump system installed in accordance with AS3500.3
- * 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 (if required) certification sheet contained at appendix 4 of Water Management DCP 47.

79. 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 (if required) 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 (if required) storages and derivative calculations.
- * As built locations of all access pits and grates in the detention (if required) 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 any 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.

80. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
81. 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 the Occupation Certificate.
82. Dwelling 2 shall be repositioned one (1) metre to the west, so that dwelling 2 is set back a minimum distance of 3.5m from the eastern rear boundary at the nearest point. The proposed driveway and vehicle manoeuvring area associated with dwelling 2 shall comply with the requirements of as2890.1:2004. The required amendments and compliance with as2890.1:2004 are to be indicated on revised plans submitted to the satisfaction of the PCA, prior to issue of the construction certificate.
83. A solid masonry fence to a height of 2m is to be erected along the rear boundary. The fence is to be situated within the boundaries of No 19 Fairlawn Avenue.
84. Prior to the issue of a construction certificate, 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 conditions of the swimming pool and associated retaining wall to the rear of No 122 Bobbin Head Road.

CARRIED UNANIMOUSLY

498 **2 to 8 Burleigh Street, Lindfield - Demolition of Existing Structures & Construction of a Residential Flat Building Comprising 31 Units, Basement Car Parking & Landscaping - Supplementary Report**

File: DA62/05

The following members of the public addressed Council:

I Lucas

M Tozer

N Juradowitch

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

Resolved:

(Moved: Councillors Innes/Shelley)

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 PART LOWER L1 PLAN	Brewster Murray P/L	13 Sept 2005	15 Sept 2005
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 PLAN CONCEPT	Taylor Brammer	7 Sept 2005	12 Sept 2005
LA02A	As shown	LANDSCAPE PLAN HARDWORKS	Taylor 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 & 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 50m³ 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 40m³ 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 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
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T7 *Jacaranda mimosifolia* (Jacaranda) 3.0m
Adjacent to northern site boundary

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 noted 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.

- * To ensure the amenity of No. 10 Burleigh Street is maintained an acoustic masonry fence shall be constructed along the common boundary with No. 8 Burleigh Street. The fence shall be 1.8 metres in height except for the front setback area where it shall be limited to 1.2 metres for a distance of 8 metres from the Burleigh Street frontage

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 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 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
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T4 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	4.0m
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T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	2.0m
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89. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
90. 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.
- During construction, alternate one-way flow in Llewellyn Lane shall be implemented and managed, preferably by traffic controllers in

order to reduce the risk of conflict between trucks and resident vehicles in the lane during construction.

- 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. **Written communication is to be issued to the principal of the Lindfield Public School (with a copy to Council) advising of commencement of works and requesting that parents be notified and advised not to drop children off in Burleigh Street due to construction traffic movements.**
- 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 967m² 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 1518m² or 55% of the site area.
 - f. Maximum height of 4th 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:

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

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

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.

123. The existing Macadamia tree (Tree No 2) at the northern corner of the site is to be retained and incorporated into the landscape plan

CARRIED UNANIMOUSLY

499 **Traffic & Parking Management for Canoon Road Netball Courts**

File: S02268

The following members of the public addressed Council:

G Bloomfield

M Booth
A Reisch
G Corderoy
B Willams

For Council to consider the proposal presented in this report regarding parking and traffic management at Canoon Road Recreation Area during the winter netball season and relocation of some fixtures to Lofberg Road netball courts.

Resolved:

(Moved: Councillors Andrew/Malicki)

- A. That Courts 9, 10, 11 and 12 at Canoon Road be converted to car parking on game days by the commencement of the 2006 season.
- B. That the games on Courts 9 to 12 be transferred to Lofberg Road netball courts in Bicentennial Park.
- C. That traffic and parking matters, as outlined in this report, be notified to residents and considered by the Traffic Management Committee for implementation prior to the 2006 season.
- D. That a source of funds be identified at the December 2005 Quarterly review.
- E. That a further report on the progress of the Plan of Management for Canoon Road Recreation Area be brought to Council prior to June 2006.
- F. That the Ku-ring-gai Traffic Committee also consider mechanisms for phasing traffic lights at The Comenarra Parkway and Kissing Point Road.
- G. That a report be brought to the Parks, Sports and Recreational Committee within six months on additional and alternative sites for netball and that the financial impacts be referred to the Finance Committee on how the impacts may be funded.

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

Against the Resolution: Councillors Ebbeck and Ryan

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

(Moved: Councillors Ebbeck/Ryan)

- A. That Courts 9, 10, 11 and 12 at Canoon Road be converted to car parking on game days by the commencement of the 2006 season.

- B. That the games on Courts 9 to 12 be transferred to Lofberg Road netball courts in Bicentennial Park.
- C. That traffic and parking matters, as outlined in this report, be notified to residents and considered by the Traffic Management Committee for implementation prior to the 2006 season.
- D. That a source of funds be identified at the December 2005 Quarterly review.
- E. That a further report on the progress of the Plan of Management for Canoon Road Recreation Area be brought to Council prior to June 2006. That the report consider and address current issues for facility provisions and likely future needs.
- F. That the Ku-ring-gai Traffic Committee also consider mechanisms for phasing traffic lights at The Comenarra Parkway and Kissing Point Road.
- G. That a report be brought to the Parks, Sports and Recreational Committee on additional and alternative sites for netball.

500 **2005 to 2009 Management Plan First Quarter Review as at 30 September 2005**

.
File: S03096

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2005 - 2009 Management Plan.

Resolved:

(Moved: Councillors Shelley/Innes)

That the report on the progress of the Key Performance Indicators contained in the 2005 to 2009 Management Plan for the first quarter of the plan, be received and noted.

CARRIED UNANIMOUSLY

501 **Carlotta Avenue Depot Site - Plan of Subdivision**

.
File: S04550

To advise Council on the process to excise a portion of land from the property, 1 to 7 Carlotta Avenue, Gordon, to ensure the requirements of the Depot Site Masterplan are observed.

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That Council approves the Plan of Subdivision of the individual parcels of land that forms 1 to 7 Carlotta Avenue Gordon, to create four (4) Torrens Title Lots.
- B. That the newly subdivided Lots 1, 2 & 3 will form the land known as 1 to 7 Carlotta Avenue Gordon, for future sale.
- C. That Council retains ownership of Lot 4 of the proposed Plan of Subdivision as Operational Land.
- D. That following the registration of the Plan of Subdivision with LPI NSW, a public positive covenant on Lots 1, 2 & 3 will be registered in accordance with the previous resolution of Council.
- E. That Council authorises the Mayor and General Manager to execute all documentation associated with the 88D Instrument and the Plan of Subdivision.
- F. That Council approves affixing the Common Seal of Council to all necessary documentation

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

Against the Resolution: Councillor Bennett

502

Licence Agreements - Performing Arts Resource Centre

File: P64486

To consider the granting of licence agreements to a number of organisations, and to adopt a Management Plan for the Performing Arts Resource Centre.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That Council dismiss the Section 377 Management Committee.
- B. That Council adopt the attached Management Plan for the Performing Arts Resource Centre.
- C. That until Council has determined the future use of the property, occupancy to any organisation at the PARC be for a period of 12 months on any occasion, reviewed annually, and not exceeding five (5) years.
- D. That under Delegation of Authority the General Manager executes any licence agreements.

- E. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- F. That the third dot point under Cleaning read as follows: The proportional share paid by each group for cleaning shall be determined by the floor space rented by that group.

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

Against the Resolution: Councillor Bennett

Councillor Bennett withdrew

503 **Revised Draft Ku-ring-gai Community Plan 2005 to 2009**

.
File: S03313

To present to Council the revised draft Ku-ring-gai Community Plan 2005 to 2009.

Resolved:

(Moved: Councillors Shelley/Innes)

That the draft Ku-ring-gai Community Plan 2005 to 2009, as amended, be placed on public exhibition for a period of 28 days and then reported back to Council.

CARRIED UNANIMOUSLY

504 **Options for Council Ward Changes, Councillor Numbers & Method of
Mayoral Election**

.
File: S03733 S03662

In response to Council resolutions of 27 April 2004 and 4 May 2004, the General Manager presented a report to Council on 12 October 2004, in relation to Ward systems, methods of election of Mayor and Councillor numbers. The report was referred to the Policy Review Committee for consideration.

Councillor Bennett returned during discussion

Resolved:

(Moved: Councillors Innes/Shelley)

- A. That Council conduct a constitutional referendum to allow the people of Ku-ring-gai to determine whether they will directly elect the mayor.

For the Resolution: Councillors Andrew, Cross, Ebbeck, Hall, Lane & Ryan

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Innes & Shelley

- B. That Council conduct a constitutional referendum to allow the people of Ku-ring-gai to vote on changes to the number of wards in this Council area, and/or the number of councillors to represent each of those wards.

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

Against the Resolution: Councillors Bennett, Innes & Shelley

(Moved: Councillors Innes/Ebbeck)

- C. 1. That Council use the constitutional referendum process as outlined in Part 3 of the Local Government Act 1993 (Sections 15 – 20), and Sections 224 and 228.
2. That Council conduct the constitutional referendum in conjunction with the next Local Government election.
3. That a further report be brought to Council in 2006 with recommendations for appropriate wording of referendum questions
4. That for this purpose, extra funds of up to \$20,000 per year, be programmed into Council's Long Term Financial Model for the financial years 2006–07, 2007–08 and 2008-09.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Innes, & Shelley

Against the Resolution: Councillors Ebbeck, Hall, Lane & Ryan

Part "C" of the above Resolution was subject to an Amendment which was declared LOST. The Lost Amendment was:

(Moved: Councillors Ebbeck/Ryan)

1. That Council use the constitutional referendum process as outlined in Part 3 of the Local Government Act 1993 (Sections 15 – 20), and Sections 224 and 228.

2. That Council conduct the constitutional referendum during the latter half of 2006.
3. That a further report be brought to Council in 2006 with recommendations for appropriate wording of referendum questions
4. That for this purpose, extra funds of \$20,000 per year, be programmed into Council's Long Term Financial Model for the financial years 2006-07, 2007-08 and 2008-09.

*At 11.55pm a Motion was moved
by Councillors Lane & Ebbeck which was put to the vote to
continue until Business is completed and CARRIED UNANIMOUSLY*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

505 Release of 2002 Council Reports & Plans, Marked Confidential in the Public Interest

File: S02036

Notice of Motion from Councillor T Hall dated 10 November 2005.

I move:

- "A. That the General Manager be directed to release to press and public without any delay, Council's staff and consultant reports and plans tabled in the Closed Meetings under Minute no. EMC18 of 26 September 2002, and under Minute No.517 of 15 October 2002, entitled variously 'Pockley Avenue Roseville-Special Area No.1-Ku-ring-gai Residential Development Strategy' on the basis that this area has now been rezoned pursuant to the Minister's gazette notice of 28 May 2004 and the reason for non-disclosure, namely - S.10A(2)(c)- 'Information that would confer a commercial advantage,' no longer applies.

I further move:

- B. That these reports/plans and minutes referred to and be included in the Information Papers of the next Council meeting.
- C. That a report be brought to the Policy Committee on the release of confidential documents. The report to include recommendations on the timing and scope of documents to be released."

Resolved:

(Moved: Councillors Hall/Bennett)

That the above Notice of Motion as amended be adopted.

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

Against the Resolution: *Councillor Innes*

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

(Moved: Councillors Innes/Shelley)

That a report be brought to the Policy Committee on the release of confidential documents. The report to include recommendations on the timing and scope of documents to be released.

QUESTIONS WITHOUT NOTICE

506 St Ives Village Green - Vandalism

File: S02620

Question Without Notice from Councillor T Hall

I ask what is being implemented to overcome the property damage caused to properties by people using the Village Green facilities on the night of Saturday, 13 November 2005 and the torching of the Green?

Have Memorial Avenue's residents been compensated?

Who was responsible for this vandalism?

Answer by the Mayor

The General Manager will investigate and report.

507 St Ives CBD re-Development

File: S04019

Question Without Notice from Councillor T Hall

I refer to the comments of the President of SIPA tonight requesting Council not to relinquish Council-owned car parks in the Stage 2 proposals for St Ives and ask the Acting Director Planning to confirm the content of my Question of 5 November 2005 (Minute No 476) that Council must address planning and integrated use of these car

parks otherwise they would be "clearly contrary to the Planning Minister's direction of 28 May 2004, the lands in question being zoned Business 3(a)"?

Answer by the Mayor

The Director will take your Question on notice and respond.

508 **Kokoda Trail Memorial - Successful Installation**

File: S02092

Question Without Notice from Councillor N Ebbeck

Could the General Manager please pass on my thanks and congratulations to Director Piconi, Director Bevan and Director Head and their staff for all the hard work put into the successful installation of the Kokoda memorial?

Answer by the Mayor

That will be done.

509 **Turramurra Town Centre**

File: S04038

Question Without Notice from Councillor N Ebbeck

As I understand, staff's preferred option includes retaining the supermarket on the southern side of Pacific Highway. Could the Director outline whether the reason for this is to satisfy the demand for accessible retail to the community south of the Highway and, if so, would a larger supermarket in this area better serve the community?

Answer by the Mayor

That can be discussed at the Planning Committee tomorrow.

Answer by the General Manager

That can be discussed tomorrow morning at the Planning Committee.

510 **Position of Internal Auditor & Creation of an Audit Committee**

Files: S04588, S04589

Question Without Notice from Councillor M Shelley

Given ICAC's recommendation for Councils to have an internal auditor and an internal audit committee, could the General Manager advise:

- a. If KMC has such a position and committee; and
- b. If not, could the General Manager report to the appropriate Committee on the creation of such a position and committee?

Answer by the General Manager

Steps are being taken to do exactly that within the current resources of Council

511 **Request for a 1:500 Plan for Lot A - St Ives Town Centre**

File: S04019

Question Without Notice from Councillor L Bennett

Can a 1:500 Plan for Lot A in St Ives Town Centre be distributed urgently to Councillors showing proposed car parking spaces, the placement and width of entry points to underground parking and the current extent of community land?

Answer by the Mayor

That information will be provided.

512 **Request for Shadow Diagrams of St Ives Town Square**

File: S04019

Question Without Notice from Councillor L Bennett

Can shadow diagrams be quickly prepared for the proposed St Ives Town Square/adjacent Mall taking into account topography and proposed building heights?

Answer by the Mayor

Yes.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 26 November 2005 to view the following properties:

1215 Pacific Highway, Turramurra
1219 to 1223 Pacific Highway, Turramurra

The Meeting closed at 1.31am

NOTICE OF RESCISSION

The General Manager advised Council, after the close of the meeting, of the receipt of a Notice of Rescission in relation to Part "C" of the Resolution on Item 19 - Options for Council Ward Changes, Councillor Numbers and Method of Mayoral Elections.

The Notice of Rescission will be dealt with at the next Ordinary Meeting of Council on 6 December 2005.

The Minutes of the Ordinary Meeting of Council held on 22 November 2005 (Pages 1 - 148) were confirmed as a full and accurate record of proceedings on 6 December 2005.

General Manager

Mayor / Chairperson