

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 24 MAY 2005

- Present: The Mayor, Councillor A Ryan (Chairperson) (Gordon Ward)  
Councillor A Andrew (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillors I Cross & N Ebbeck (Wahroonga Ward)  
Councillors G Innes AM & M Shelley (Roseville Ward)  
Councillor M Lane (Gordon Ward)
- Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Planning & Environment (Leta Webb)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

*The Meeting commenced at 7.02pm*

*The Mayor offered the Prayer*

### 180 APOLOGIES

File: S02194

Councillor E Malicki (illness) tendered an apology for non-attendance and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Hall/Lane)

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

**CARRIED UNANIMOUSLY**

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

## CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

### Resolved:

(Moved: Councillors Cross/Ebbeck)

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:

Report: **48 St Johns Avenue, Gordon**  
(*Section 10A(2)(g) - Advice concerning litigation*)

Report: **2 Loombah Avenue, Lindfield - Land & Environment Court Proceedings No 10816/04 - Council ats Loombah Investments Pty Ltd** (*Section 10A(2)(g) - Advice concerning litigation*)

Refer C.2: **Acquisition of Land - St Ives** (*Section 10A(2)(g) - Advice concerning litigation*) - Legal Advice from Matthews Folbigg relating to Acquisition of Land and Deep Soil Landscaping Issues

**CARRIED UNANIMOUSLY**

### ADDRESS THE COUNCIL

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

M Inglis  
M Tweeddale

### 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:

Minutes: Inspections Committee held Saturday, 14 May 2005

Reports: Preparation of Draft LEP to amend Clause 25K of the KPSO by Director Planning & Environment dated 24 May 2005

Wellington Road, East Lindfield - Sale of former Womens' Bowling Club by Director Open Space dated 23 May 2005

Memorandum: Workshop for Councillors - Memorandum by General Manager

- Refer GB.1      1 to 3 Eton Road, 3 to 11 Burleigh Street, Lindfield - Memorandum by Director Development & Regulation dated 23 May 2005
- Refer GB.2      1580 to 1596 Pacific Highway, Wahroonga - Memorandum by Director Development & Regulation dated 24 May 2005
- Refer GB.8      Outdoor Dining & Footpath Trading Policy by Director Planning & Environment dated 23 May 2005

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## **CONFIRMATION OF MINUTES**

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

File: S02131

Meeting held 10 May 2005

Minutes numbered 153 to 179

### **Resolved:**

(Moved: Councillors Hall/Ebbeck)

That Minutes numbered 153 to 179 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

183

### **Request re-Location of Bus Shelter - Cnr Eastern Arterial Road & Burraneer Avenue, St Ives - (Seventy [70] Signatures)**

File: S03552

### **Petition presented to Council by Councillor Hall:**

"We, the residents of Burraneer Avenue who have signed below, request the Ku-ring-gai Council to relocate the bus shelter currently at the intersection of Burraneer Avenue and Eastern Arterial Road, St Ives to a position where it does not impede visibility of traffic to drivers wishing to enter Eastern Arterial Road from Burraneer Avenue."

### **Resolved:**

(Moved: Councillors Hall/Bennett)

That the Petition be received and referred to the Director Technical Services for attention and advice to Council.

**CARRIED UNANIMOUSLY**

## REPORTS FROM COMMITTEES

### 184 Minutes of Inspections Committee

File: S02131

Meeting held 14 May 2005

Minutes numbered INS8 & INS9

#### **Resolved:**

(Moved: Councillors Hall/Lane)

That Minutes numbered INS8 & INS9 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the following addition to Part 2 of the second dot point under matters raised for 1, 3 & 5 Lynbara Avenue & 12 Porters Lane, St Ives:

- 2) That Staff provide any relevant information from Council's investigation on slipways in relation to improving safety at the intersection of Link Road and Mona Vale Road and the construction of a fenced barrier on the median strip opposite Newhaven Place. Such information to be referred to the Director Technical Services for attention.

**CARRIED UNANIMOUSLY**

*A motion was also moved by Councillors Innes & Lane  
to hear a maximum of 3 speakers for and 3 against on particular items  
was CARRIED*

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

*Against the Resolution:      Councillor Shelley*

## GENERAL BUSINESS

### 185 1580 to 1596 Pacific Highway, Wahroonga - Construction of Seven Residential Buildings Containing 158 Apartments And Basement Parking For 218 Vehicles, Including 40 Visitor Spaces And Strata Subdivision Into 158 Lots

File: DA1081/04

Ward: Wahroonga

Applicant: Meriton Apartments Pty Ltd

To determine development application No 1081/04, which seeks consent for the construction of seven residential buildings containing 158 apartments and basement parking for 218 vehicles, including 40 visitor spaces.

**Resolved:**

(Moved: Councillors Andrew/Hall)

- A. That consideration of DA1081/04 at 1580 to 1596 Pacific Highway, Wahroonga be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

186 **Budget 2004/2005 3rd Quarter Review as at end March 2005**

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File: S03096

To present to Council the quarterly financial review for the 3rd quarter ended 31 March 2005.

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council adopt the variations contained in the report.
- B. That \$75,000 be transferred to the Superannuation Reserve.
- C. That \$232,800 be transferred to the Golf Course Reserve.

**CARRIED UNANIMOUSLY**

187 **Investment Cash Flow & Loan Liability as at 30 April 2005**

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File: S02722

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

**Resolved:**

(Moved: Councillors Shelley/Cross)

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

**CARRIED UNANIMOUSLY**

188     **2004 to 2008 Management Plan 3rd Quarter Review as at 31 March 2005**

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File: S03096

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

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the Management Plan review for the period ended 31 March 2005 be received and noted.

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

*Against the Resolution:    Councillor Bennett*

*Standing Orders were suspended to deal with items  
in the following order after a  
Motion moved by Councillors Hall & Innes  
was CARRIED UNANIMOUSLY*

189     **1 To 3 Eton Road, 3 To 11 Burleigh Street & 207 To 211 Pacific Highway,  
Lindfield - Demolition Of Ten (10) Dwelling Houses And Construction Of Two (2),  
Five (5) Storey Residential Flat Buildings Containing Eighty-Eight Units And  
Basement Car Parking For One Hundred And Thirty-Six (136) Vehicles**

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File: DA1260/04

Ward: Roseville

Applicant: Tandi Developments Lindfield Pty Ltd

Owner: Tandi Developments Lindfield Pty Ltd

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

**T Blythe**

To determine DA1260/04 which seeks consent for the demolition of ten (10) dwelling houses and construction of two (2), five (5) storey residential flat buildings containing eighty-eight (88) units and basement car parking for one hundred and thirty-six vehicles.

## Resolved:

(Moved: Councillors Shelley/Innes)

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

THAT the Council, as the consent authority, grant development consent to DA 1260/04 for demolition of ten (10) detached dwelling houses and construction of two (2) five (5) storey residential flat buildings containing a total of eighty-eight units and basement car parking for one hundred and thirty six (136) vehicles on land at 1-3 Eton Road, Lindfield, 3-11 Burleigh Street, Lindfield and 207-211 Pacific Highway for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

### GENERAL CONDITIONS

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

Dwg No.	Rev. Description	Author	Dated	Lodged
DA1.03 Site Coverage	A	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA1.04 Deep Soil Diagram	B	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA2.00 Plan Level Basement 2	B	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA2.01 Plan Level Basement 1	B	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA2.02 Plan Level Ground	C	Marchese & Partners Architects Pty Ltd	May 2005	May 2005
DA2.03 Plan Level 1	C	Marchese & Partners Architects Pty Ltd	May 2005	May 2005
DA2.04 Plan Level 2	C	Marchese & Partners Architects Pty Ltd	May 2005	May 2005
DA2.05 Plan Level 3	C	Marchese & Partners Architects Pty Ltd	May 2005	May 2005
DA2.06 Plan Level 4	C	Marchese & Partners Architects Pty Ltd	May 2005	May 2005
DA2.07 Plan Level Roof	C	Marchese & Partners Architects Pty Ltd	May 2005	May 2005
DA3.00 Section A-A & B-B	A	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA4.00 Street Elevations	A	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA4.01 Courtyard Elevations	A	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA4.02 Side Elevations	A	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005
DA7 Sample Board	A	Marchese & Partners Architects Pty Ltd	Feb 2005	Feb 2005

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

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

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

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

18. 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.
19. The fence and 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. 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.
27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
29. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
31. Fire hoses are to be maintained on site during the course of demolition.
32. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
33. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
34. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
35. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
36. 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.
37. 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.

38. 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).
39. 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.
40. 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.
41. 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.

42. Landscape works shall be carried out in accordance with Landscape Drawing No LA01 Rev B, LA03 Rev B, LA04 Rev B, LA05 Rev B, LA06 Rev B and LA07 Rev A prepared by Taylor Brammer Landscape Architects and dated 26/10/2004 submitted with the Development Application, except as amended by the following:
- Proposed tree planting of *Alectryon tomentosus* (Rambutan) within the Eton Rd and Burleigh St nature strips are to be deleted and replaced with *Eucalyptus saligna* (Bluegum) with a minimum pot size of 25 Litre.
  - The proposed planting of eight *Syncarpia glomulifera* (Turpentine) adjacent to the Pacific Hwy and Millwood Park are to be deleted and replaced with a mix of *Eucalyptus pilularis* (Blackbutt), *Eucalyptus saligna* (Bluegum), and *Angophora floribunda* (Rough barked apple) with minimum pot sizes of 25 Litre.
  - The proposed retaining walls within the courtyard gardens of units R102, R105, R106 and R107 are to have a minimum setback of 2.0m from the northern/railway corridor site boundary.
43. 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 numbers refer to arborists report by Footprint Green dated 11<sup>th</sup> November 2004

Tree/Location

#15 *Jacaranda mimosifolia* (Jacaranda)  
Burleigh St nature strip

#16 *Jacaranda mimosifolia* (Jacaranda)  
Burleigh St nature strip

#17 *Callistemon salignus* (Willow Bottlebrush)  
Burleigh St nature strip

#18 *Cupressus* sp. (Cypress)  
Burleigh St nature strip

#24 *Prunus* sp. (Flowering Plum)

Burleigh St nature strip

#33 Callistemon viminalis (Weeping Bottlebrush)  
Burleigh St nature strip

#34 Callistemon viminalis (Weeping Bottlebrush)  
Burleigh St nature strip

#35 Callistemon viminalis (Weeping Bottlebrush)  
Burleigh St nature strip

#55 Eucalyptus scoparia (Willow Gum)  
Pacific Hwy nature strip

#56 Eucalyptus scoparia (Willow Gum)  
Pacific Hwy nature strip

44. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
45. 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.
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/Location & Radius from Trunk**

Beneath the canopy drip line of ANY tree to be retained on site or adjoining properties

47. 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 intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the occupation certificate.
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. Following removal of the nominated trees 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.

50. 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.
51. To preserve the ongoing health and vigour of tree #81 no excavation for the proposed vehicular access is permitted within 3.0m of the base of the tree trunk. If minor leveling is required it is to be undertaken by hand to ensure that no roots greater than 30mm in diameter are severed.
52. To preserve the ongoing health and vigour of tree #84 Eucalyptus haemastoma (Scribbly Gum) located adjacent to the eastern site boundary/Eton rd frontage, no excavation is permitted within a 2.0m radius of the base of the tree trunk. If minor leveling is required, this is to be undertaken by hand to ensure that no roots greater than 30mm in diameter are severed.
53. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the in-ground system in Burleigh Street via the approved site stormwater management system.
54. A mandatory rainwater re-use tank system 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.
55. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided 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.
56. A maintenance period of six (6) months shall apply to the work 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.
57. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
58. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is**

**not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

59. 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.
60. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
61. For the purpose of any 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 consent from Council.
62. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application of a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
63. 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).
64. **Geotechnical aspects of the development works, particularly excavation and support, must be undertaken in accordance with the recommendations of Jeffery and Katauskas as given in their report No. 18998SLrpt dated 10 November 2004, or subsequent reports issued in respect of the development. If hydraulic impact hammers are to be used, vibrations are to be checked initially by a geotechnical engineer.**
65. 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.



66. Signs are to be provided in the basement car parks indicating the location of visitor and bicycle parking.
67. The applicant is to arrange for the installation of a bus shelter.

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

68. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing ten Torrens lots. 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 the issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
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 ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$465,196.68. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Roseville	\$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	1.3persons

70. 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.

71. A CASH BOND/BANK GUARANTEE of \$8 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

#69 Angophora floribunda (Rough Barked Apple) \$3 000.00  
Eton Rd nature strip

#81 Corymbia citriodora (Lemon Scented Gum) \$3 000.00  
Eton Rd nature strip

#86 Eucalyptus species (Eucalypt) \$2 000.00  
Adjacent to northern site boundary in railway corridor

72. To ensure compliance with LEP194 deep soil landscaping requirements the following proposed 1.2m wide pedestrian paths are to be reduced in width to have a maximum width of 1.0m. 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.

- The pedestrian path that runs parallel to the Pacific Hwy/Southern site boundary between Burleigh St and Eton Rd.
- The pedestrian path that is located between Unit H108 and Eton Rd.

- The pedestrian path that is located between Unit R108 and Eton Rd.
- The pedestrian path that is located between the courtyard of Unit R107 and Eton Rd.
- The pedestrian path that is located between Unit R102 and Burleigh St, including the area between the gate and Burleigh St.
- The pedestrian path that is located between Unit r101 and Burleigh St.

73. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

74. 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) and Section 8.2 of Councils Water Management DCP 47 (available on the Council website). The plan may be generally in accordance with Lipscombe & Associates Drawing H11 revision C, dated 28/02/05.
75. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater retention system. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from 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 may be generally in accordance with the detail H02 to H04 Revision C by

Lipscombe & Associates, and advanced as necessary for construction issue purposes.

76. A dedicated carwashing area is to be shown on the Construction Certificate plans. The waste collection vehicle manoeuvring area or a visitor parking bay may be used for this facility. The plans are to be approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
77. 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 shall be shown on this design to a detail suitable for installation by the plumbing contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
78. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
79. Prior to the issue of a Construction Certificate the applicant shall lodge a **\$50,000** (fifty thousand dollars) public infrastructure damage bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of all works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
  - a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
  - b) The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
  - c) Works in the public road associated with the development are to an unacceptable quality.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

80. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
81. To preserve 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
#69 Angophora floribunda (Rough Barked Apple) Eton Rd nature strip	4.0m
#86 Eucalyptus species (Eucalypt) Adjacent to northern site boundary in railway corridor	4.0m
#84 Eucalyptus hamastoma (Scribbly Gum) Adjacent to eastern/Eton Rd site boundary	4.0m
#8 Eucalyptus sp. (Eucalypt) Adjacent to northern site boundary in railway corridor	4.0m
#59 Glochidion ferdinandi (Cheese Tree) Adjacent to the southern/Pacific Hwy site boundary	3.0m
#4 Eucalyptus sp (Eucalypt) Adjacent to northern site boundary within the railway corridor	3.0m

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

Tree/Location	Radius from Trunk
#81 Corymbia citriodora (Lemon Scented Gum) Eton Rd nature strip	5.0m

83. To preserve the existing trees within Millwood Park and to maintain public safety, a protective fence is to be located immediately adjacent to the site boundaries with the park within the site, to prevent direct access between the site and the park. The protective fence is to 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.

84. 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.
85. 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.
86. 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 Eton Road for the frontage of the site, Burleigh Street, Llewellyn Street and the lane from Llewellyn Street to Burleigh Street including full road width, kerb and gutter, and intersections. The report must be completed by a consulting structural/civil engineer. 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. Other Council roads in the area are not available for construction traffic apart from vehicles less than 3.0 tonne gross unless written approval is received from Council and a dilapidation report has been completed on the roads.
87. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a **construction site layout plan**. This is to entail a plan view of the entire site and frontage roadways indicating scale locations for:
- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
  - Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
  - The locations of proposed Work Zones,
  - 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 parking for employees, tradesperson and construction vehicles

The construction site layout 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 issue of the Construction Certificate. The traffic management measures contained in the approved plan shall be implemented in accordance with the above plans prior to the commencement of any works on-site including excavation.

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

For traffic and pedestrian amenity purposes, no truck movements shall occur in Eton Road 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) and with no access permitted from Pacific Highway.

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.

88. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' along a suitable section of the frontage of the site. Further, 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 and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.
- 89A. A certificate from an appropriately qualified Acoustic Engineer is to be submitted with the Construction Certificate certifying that noise levels within dwellings, with windows closed, will not exceed the following:

<b>Location</b>	<b>Control</b>
Recreation/work area	40dB(A)*
Sleeping areas	35dB(A)*

(\*Readings are to be  $L_{Aeq}$  (1 hour), when measured during the noisiest 1 hour period between Day - 7am to 6pm; Evening – 6pm to 10pm and Night – 10pm to 7am).

All walls and floors separating units must have a weight sound reduction index ( $R_w$ ) of not less than 55, and an impact isolation less than IIC 55 above habitable areas.

Materials with low noise penetration properties are to be used and detailed, and the location of mechanical equipment such as lift plant, air conditioning plant and pumps immediately adjacent to bedrooms is not permitted.

- 89B. 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.

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

90. 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.
91. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
92. The landscape works shall be completed prior to the issue of the Occupation Certificate and maintained in a satisfactory condition at all times.
93. 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.
94. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
  - a) Completion of the new driveway crossings in accordance with levels and specifications issued by Council.
  - b) Full reconstruction of (or construction of new) concrete footpath over the entire site frontage of Eton Road, Burleigh Street (and Pacific Highway if damaged).
  - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - d) Full repair and resealing of any road surface damaged during construction.
  - e) 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. 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, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.**

95. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and retention facilities (including all ancillary reticulation plumbing) 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 on-site detention and retention facilities (DCP47 appendix 14) 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 issue of an Occupation Certificate.
96. 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).
97. Prior to issue of an Occupation Certificate a certification and a works-as-executed (WAE) plan, in relation to the installed rainwater retention/detention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to specifically state compliance with each of the relevant controls set out in appendix 6.2 of Council Water Management Development Control Plan 47. The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:
  - As constructed levels in comparison to design levels
  - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
  - Dimensions of all retention tanks/devices
  - Top water levels of storage areas and RL's at overflow point(s).
  - Storage volume(s) provided and supporting calculations/documentation.

For any on-site detention control installed, a separate certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels

- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
  - As built locations of all pits and grates in the detention system, including dimensions.
  - The size of the orifice or pipe control fitted.
  - Dimensions of the discharge control pit and access grates
  - The achieved capacity of the detention storage and derivative calculation.
  - The maximum depth of storage over the outlet control.
  - Top water levels of storage areas and RL's at overflow point(s)
98. Prior to issue of an Occupation Certificate the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a) Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - b) The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and
  - c) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:
- a. As built reduced surface and invert levels for all drainage pits and connection points.
  - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
  - c. Gradients of drainage lines, materials and dimensions.
99. 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 dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that 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 the parking layout plans approved for the Construction Certificate.
100. 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.

101. Prior to issue of an Occupation Certificate, the applicant is to arrange for the installation of the bus shelter on the Pacific Highway frontage of the site, and the indented bus bay if approved by the Traffic Committee. Installation is to proceed in accordance with any conditions imposed including the provision of design plans, and application to Council and the RTA if necessary for approval of the works under the Roads Act.
102. 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 Eton Road for the frontage of the site, Burleigh Street, Llewellyn Street and the lane from Llewellyn Street to Burleigh Street, including full road reserve width and kerb and gutter. 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.

#### BUILDING CONDITIONS

103. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
104. 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.

105. 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.
106. 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.

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

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

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

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

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

*Against the Resolution:*      *Councillor Bennett*

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

*(Moved: Councillors Bennett/Andrew)*

- A. That consideration of DA1260/04 at 1 to 3 Eton Road, 3 to 11 Burleigh Street & 207 to 211 Pacific Highway, Lindfield be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution: Councillors Andrew and Bennett*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Cross, Ebbeck, Hall, Innes, Lane and Shelley*

190 **26 to 30 Marian Street, Killara - Supplementary Report**

File: DA1243/04

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

**P Jensen  
C Szatow  
B Lloyd  
G Zylber**

To respond to the issues raised at the Council site inspection 30 April 2005 and seek Council's determination of the Development Application.

**Resolved:**

(Moved: Councillors Lane/Ryan)

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 1243/04 for the demolition of three (3) residential dwellings and construction of a five (5) storey residential flat building containing twenty-seven (27) units and basement car parking for sixty one (61) vehicles on land at 26-30 Marian Street, Killara, on a Deferred Commencement basis, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**SCHEDULE A**

1. In order to activate the consent, the Applicant shall obtain a resolution from Kuring-gai Council that it will consent to the extinguishment of the existing Council easement(s) for drainage which currently burden the subject property. As the easement for drainage will no longer be required over the subject site (pipes are to be re-diverted in the frontage road reserve), approval is not required to re-create easements for drainage on the subject property. Councils Technical Services department will be responsible for preparing the necessary report to Council regarding the extinguishment of the existing easement burdening the site, subject to payment of the adopted fee for the preparation of such reports.

**NOTE:** The matters referred to in Schedule A must be completed to Council's satisfaction before the Consent operates.

**NOTE:** It is the applicant's responsibility to check the title of the subject land to establish if the application is affected by any easements, covenants or restrictions on the use of the land that may affect the proposed structure.

This consent will be issued subject to conditions as specified hereunder in Schedule B.

This permit shall be read in conjunction with the approved plans and specifications.

The following conditions specified hereunder in Schedule B shall be imposed on Development Application.

## SCHEDULE B

### GENERAL CONDITIONS

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

<b>Dwg No:</b>		<b>Rev.Description</b>	<b>Author</b>	<b>Dated</b>	<b>Lodged</b>
DWG 01	A	Roof, Site & Location Plans	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 02	A	Car ParkBasement 1	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 03	A	Car Park Basement 2 -	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 04	B	Ground Floor	Ercole Palazzetti Pty Ltd	Oct 2004	18-02-2005
DWG 05	A	Levels 1, 2 & 3	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 06	A	Level 4	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 07	A	Sections A-A & B-B	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 08	A	Elevations (N&E)	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 09	A	Elevations (S&W)	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004
DWG 10	A	Site Analysis Plan	Ercole Palazzetti Pty Ltd	Oct 2004	26-11-2004

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. 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. 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.
5. **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.

6. 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.
7. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
8. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
9. To maintain existing ground levels all excavated material shall be removed from the site.
10. 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.
11. 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.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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.

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

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

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

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



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

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

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

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

18. 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.
19. The fence and 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. 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.
23. 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.
24. 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.

25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. 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.
27. 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.
28. 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.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. 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. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.

35. 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.
36. 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.
37. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
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. 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.
42. 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.
43. 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.

44. The landscape works shall be completed prior to issue of the Occupation Certificate and maintained in a satisfactory condition at all times.
45. Landscape works shall be carried out in accordance with Landscape Drawing No DA-L-01 Rev B, DA-L-02 Rev B and DA- L-03 Rev A, prepared by Oculus and dated 19/11/2004 submitted with the Development Application, except as amended by the following:
- The Eucalyptus saligna (Bluegum) proposed immediately adjacent to the western side of the proposed building is to be relocated so that it is no closer than 5.0m from the building footprint, but still within the western side area.
  - The proposed planting adjacent to the western site boundary is to include an additional eight (8) Elaeocarpus reticulatus (Blueberry Ash) to enhance privacy and neighbour amenity. The proposed planting is to be spread over the western site boundary length rather than grouped together in one location.
  - An additional Eucalyptus saligna (Bluegum) is to be planted adjacent to the south western site corner within the proposed garden bed.
  - The proposed Eucalyptus saligna (Bluegum) located adjacent to the proposed driveway and eastern site boundary is to be replaced with a Nyssa sylvatica (Tupelo). The tree is to be located so that it is no closer than 3.0m from any structure including the proposed drainage pit and existing retaining walls.
  - The planting adjacent to the southern/rear site boundary is to be supplemented with an additional three Angophora floribunda (Rough barked apple). The trees are to be planted within the proposed garden bed areas. A minimum pot size of 15 Litre is required.
  - The proposed garden bed/planting area adjacent to the western site boundary is to have a minimum width of 2.0m to allow adequate area for the establishment and growth of screen planting and tree replenishment.

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

Tree/Location

No's 6, 31, 32 *Eucalyptus saligna* (Bluegum)  
Adjacent to the Marian St/Northern site frontage

47. 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.
48. 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 numbers refer to Tree Survey plan submitted with the development application.

Tree/Location	Radius from Trunk
No's 31, 32, 6 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the Marian St/Northern site frontage	9.0m
No.34 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to south east site corner	4.0m
No's 27, 28, 29 <i>Jacaranda mimosifolia</i> (Jacaranda) Marian St nature strip planting	3.0m
No.21 <i>Cupressus macrocarpa</i> (Lamberts Cypress) Adjacent to western site boundary	3.0m
No.16 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern site boundary	4.0m
No.15 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern site boundary	4.0m
No.4 <i>Agonis flexuosa</i> (Weeping Myrtle) Adjacent to southern site boundary in neighbouring property	4.0m
No.3 <i>Melaleuca bracteata</i> (White Cloud Tree) Adjacent to southern site boundary	3.0m
No.2 <i>Tibouchina lepidota</i> 'Alsonville' Adjacent to southern site boundary	3.0m
No.1 <i>Magnolia soulangeana</i> (Soul's magnolia) Adjacent to southern site corner	3.0m
No.33 <i>Cornus florida</i> (Dogwood) Adjacent to south east site corner	4.0m

49. 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 with a copy to Council shall be required at quarterly/three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the Occupation Certificate.
50. 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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No.'s 31, 32, 6 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the Marian St/Northern site frontage	8.0m on site or 4.0m within Council's nature strip
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51. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS/ELECTRICAL 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
No.'s 31, 32, 6 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the Marian St/Northern site frontage	8.0m on site
No.34 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to south east site corner	4.0m

52. 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.
53. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Marian St and Caithness St. The trees are to be evenly spaced and planted as a formal avenue planting within the existing nature strip. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

*Jacaranda mimosifolia* (Jacaranda) x 7  
(Four in Marian St and three in Caithness St)

54. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/Location

No.30 *Magnolia soulangeana* ((Soul's Magnolia)  
Within proposed building footprint adjacent to western site boundary

55. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

56. 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.
57. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the (new) in ground street drainage system in Caithness Street, via the approved site stormwater management system. New drainage line connections shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47. A pit shall be constructed to facilitate connection to the street drainage system.
58. 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, with a void space left for runoff storage purposes.
59. For stormwater control the overland flow path through the site (conveyed through the basement structure) must re-enter the downstream system so that the pre-developed overland flow regimes are maintained without detriment to downstream property. This will require the installation of suitable cut-off structures, re-grading, inlets and/or barriers that direct the overland flows to the drainage system in Caithness Street.
60. 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.
61. 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.
62. 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.
63. 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.**

64. 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.
65. 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.
66. 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.
67. 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](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
68. 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).
69. **Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report**



**18987Vrpt dated 5<sup>th</sup> November 2004) and the subsequent geotechnical investigations carried out for construction purposes.**

- 70. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the construction works must be in accordance with the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5<sup>th</sup> November 2004). 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.**
71. 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.
72. 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.
73. 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.
74. 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.
75. Staging of trunk drainage diversion works must take place in the following sequence:
1. Ku-ring-gai Council approves through resolution the extinguishment of the Council drainage easement through the site (in accordance with schedule A condition).
  2. Applicant prepares construction detail drainage plans for the new drainage line in the frontage road reserve, to Council specifications.
  3. Plans reviewed, approved and stamped by Council Technical Services department prior to commencement of **any** works within site and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.

4. The Council approved drainage works in the road reserve are completed by Applicant in accordance with terms of Council *Roads Act* approval and prior to commencement any works within the site. The existing operating Council drainage line through the site is maintained during pipe laying works in road reserve.
  5. The Council drainage line traversing site is decommissioned and new drainage line in road reserve made operative.
  6. Applicant may commence works in site to remove the decommissioned Council drainage system, subject to Principal Certifying Authority approval.
76. In order to achieve an acceptable fit with the nearby heritage items and the National Trust UCA, external masonry finishes to the basement and ground floor of the building are to be clad with face brick or stone. The colour of the face brick or stone is to be approved by Council. The colour should be an earthy tone and should be common in the immediate streetscape.

A colour scheme for the exterior colours of the external walls is to be submitted and approved by Council. The colour scheme should use two or three colours for the external walls to assist in blending the massing of the new building into the existing streetscape. Earthy recessive colours are suggested with one of two lighter colours.

77. "Peep holes" shall be provided to the entrance doors of all units for personal security.

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

78. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing three Torrens lots. 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 the issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
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 TWENTY-FOUR (24) ADDITIONAL DWELLINGS IS CURRENTLY \$759,946.08. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Killara	\$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	1.3persons

84. A report is to be submitted to Council and approved by the heritage officer 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 site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report is to 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 is to be included. Photographs of the following:

- Each elevation
- 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 (1:100)
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- Colour slides (one set)
- Colour photographs (one copy with negatives)

Digital images and CDs may be submitted as supplementary information.

85. 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.

86. A CASH BOND/BANK GUARANTEE of \$32 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

No's 31, 32, 6 *Eucalyptus saligna* (Bluegum) \$10 000.00 each

Adjacent to the Marian St/Northern site frontage

No.34 *Nyssa sylvatica* (Tupelo) \$2 000.00

Adjacent to south east site corner

87. To preserve the following tree/s, footings of any proposed masonry works 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 prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
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No's 31, 32, 6 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the Marian St/Northern site frontage	8.0m
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No.34 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to south east site corner	4.0m
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88. Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared (to a detail satisfactory for construction) and **approved by** Council engineers, which detail the following infrastructure works required in Marian Street and Caithness Street:
- A fully new in-ground piped drainage system in Marian Street and Caithness Street, comprising inlet/junction pits and Reinforced concrete piping of nominal 750mm diameter, at suitable alignment to avoid damage to significant trees and accommodate existing services. This drainage line is to replace the Council drainage system which currently traverses the subject site.
  - Construction of a fully new concrete footpath, minimum 1.2 metres wide or as directed, over the full site frontage on Caithness 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 Road Reserve, required by this consent. 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*. 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 the *General Specification for the Construction of Road and Drainage Works in Kuring-gai Council*, dated November 2004 and Council Water Management DCP 47, chapter 9. 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).

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. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

89. Prior to issue of the Construction Certificate, the approved drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full. At the completion of these works the existing Council drainage line traversing the subject site must be decommissioned. A letter from Ku-ring-gai Council stating that the works have been completed in full and this condition has been satisfied must be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate.
90. 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.
91. 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).
92. 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.
93. 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.

94. **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. This is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5<sup>th</sup> November 2004). 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. 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.**
95. 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.

96. 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). The design may be generally in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.

97. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for the proposed overland flow conveyance structures through the site. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer who shall recommend an appropriate design storm event (1:100 year storm as an absolute minimum) in order to reasonably protect all ground floor units from inundation over the life of the development. Inlet pits for the system on the upstream side of the basement must be located on common property.
98. 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.
99. 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 in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.
100. 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. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The design of these drainage components may be in accordance with the Concept Stormwater Management & Environmental Site Management Concept Plans, C1A, C2D, C3A, C4A & C5A, dated November 2004 and February 2005, by Appleyard Forrest Consulting Engineers submitted with the development application, and advanced as necessary for construction issue purposes.

101. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied under Section 97 of the Local Government Act to cover the restoration by Council of any damage to public infrastructure not repaired in full, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and **at the end of any maintenance period** stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
  - a) Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
  - b) The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
  - c) Works in the public road associated with the development are to an unacceptable quality.
102. Prior to issue of the Construction Certificate for any works excluding excavation and site clearing, the applicant shall submit, for approval by the Principal Certifying Authority (PCA), revised plans for the basement and external vehicle access and accommodation arrangements. These plans shall incorporate the following details:
  - a) Removal of all doors, grates or security grilles which would prevent access to the respective garbage collection and visitor parking areas within each building. This requirement is specified in Councils DCP 40 and DCP 55.
103. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a scale dimensioned 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:

- a) 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”.
- b) A height clearance of 2.5 metres headroom requirement under DCP40 for waste collection trucks over the designated garbage collection truck manoeuvring areas.
- c) No doors or gates are to be provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.

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

104. 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.
105. 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
No.34 <i>Nyssa sylvatica</i> (Tupelo) Adjacent to south east site corner	4.0m
No.27, 28, 29 <i>Jacaranda mimosifolia</i> (Jacaranda) Marian St nature strip planting	3.0m
No.21 <i>Cupressus macrocarpa</i> (Lamberts Cypress) Adjacent to western site boundary	3.0m
No.16 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern site boundary	4.0m
No.15 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to southern site boundary	4.0m
No.4 <i>Agonis flexuosa</i> (Weeping Myrtle) Adjacent to southern site boundary in neighbouring property	4.0m
No.3 <i>Melaleuca bracteata</i> (White Cloud Tree) Adjacent to southern site boundary	3.0m
No.2 <i>Tibouchina lepidota</i> ‘Alsonville’ Adjacent to southern site boundary	3.0m
No.1 <i>Magnolia soulangeana</i> (Soul’s magnolia)	3.0m

Adjacent to southern site corner

No.33 *Cornus florida* (Dogwood)

4.0m

Adjacent to south east site corner

106. 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 existing pedestrian footpath and roadway 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

No.'s 31, 32, 6 *Eucalyptus saligna* (Bluegum)

8.0m

Adjacent to the Marian St/Northern site frontage

107. 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.
108. 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.
109. 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:
- a) Full road pavement width, including kerb and gutter, of Marian Street and Caithness Street over the site frontage, including the full intersection.
  - b) 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, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

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 under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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.

110. 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 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
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 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.
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:

- 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 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.

111. 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.

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

112. 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.

113. **Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18987Vrpt dated 5<sup>th</sup> November 2004), 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:
- a) Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
  - b) Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
  - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - d) Full repair and resealing of any road surface damaged during construction.
  - e) 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. 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, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.**

115. Prior to issue of an Occupation Certificate the Council approved footpath works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full. A letter from Ku-ring-gai Council stating that the works have been completed in full and this condition has been satisfied must be submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.
116. 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).

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 address each of the following aspects of the installed overland flow conveyance infrastructure:
- a) That the overland flow conveyance infrastructure through the basement (culvert system) has been constructed to convey the design storm through the development site.
  - b) That the necessary overland flow inlet systems, cut-off structures, regrading of landscaped areas on the upstream and downstream sides of the basement structure are suitable to convey the overland flows through the site and back into the trunk drainage system downstream
  - c) That all enclosed floor areas, including habitable and basement levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of the suitable stormwater collection devices.
118. 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:
- a) That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - b) That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - c) 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).
  - d) 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,
  - e) 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.
119. 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:
- a) 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
  - b) As built locations of all access pits and grates in the retention systems, including dimensions.
  - c) The achieved capacity of the retention storages and derivative calculations.



- d) Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
- e) Size, depth and location of the overland flow path inlet pits, together with surface levels, invert levels and indicative grading levels in surrounding landscaped area.
- f) Location and dimensions of overland flow conveyance culverts through the basement structure.
- g) As built surface and invert levels for all drainage pits and junction points.
- h) Gradients of drainage lines, materials and sizes.
- i) 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.

120. 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.

121. 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 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 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.

122. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the overland flow path conveyance infrastructure provisions on the site. The restriction on use shall be worded to prevent any future interference with the overland flow infrastructure provisions - to the written 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.

123. 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.
124. 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:
  - a) 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
  - b) The revisions to the vehicle access and accommodation arrangements necessary under this consent, shown on the relevant approved Construction Certificate drawings, have been constructed, and
  - c) No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Council's waste collection vehicle, including the truck manoeuvring area for forward egress.
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.

## BUILDING CONDITIONS

126. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.

- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Retaining walls and associated drainage.
  - d. Wet area waterproofing details complying with the Building Code of Australia.
  - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
127. 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.
128. 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.
129. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- |                        |                      |                      |
|------------------------|----------------------|----------------------|
| <b>Risers:</b>         | <b>Maximum 190mm</b> | <b>Minimum 115mm</b> |
| <b>Going (Treads):</b> | <b>Maximum 355mm</b> | <b>Minimum 240mm</b> |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
130. 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.

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

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

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

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

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

*Against the Resolution:    Councillor Hall*

191      **1, 3 and 5 Lynbara Avenue and 12 Porters Lane, St Ives**

File: 1219/04

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

**W Simpson  
J Grant  
T Moody**

To refer the application back to Council following a site meeting and seek Council's determination of the Development Application.

**Resolved:**

(Moved: Councillors Hall/Ebbeck)

THAT the Council, as the consent authority, grant development consent to DA 1219/04 for the demolition of existing structures on site and the construction of 21 x 3 bedroom dwellings, 24 x 2 bedroom dwellings and 4 by 1 bedroom dwellings within the building and a two level basement parking on land at 1, 3 and 5 Lynbara Avenue and 12 Porters Lane, St Ives, 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:

Dwg No.	Rev.	Description	Author	Dated	Lodged
A01	B	Site Analysis Plan	Futurespace	16-03-05	18-03-05
A02	B	Basement Level 1	Futurespace	16-03-05	18-03-05
A03	A	Basement Level 2	Futurespace	13-09-04	17-11-04
A04	B	Ground Floor Plan	Futurespace	16-03-05	18-03-05
A05	B	1 <sup>st</sup> and 2 <sup>nd</sup> Floors	Futurespace	16-03-05	18-03-05
A06	B	3 <sup>rd</sup> and 4 <sup>th</sup> Floors	Futurespace	16-03-05	18-03-05
A07	B	Roof Plan	Futurespace	16-03-05	18-03-05
A08	B	Elevations	Futurespace	16-03-05	18-03-05
A09	B	Sections	Futurespace	16-03-05	18-03-05
A10	A	Shadows	Futurespace	13-09-04	17-11-04
LCP.01	A-	Landscape Plan	N.S Botanica	Nov. 2004	17-11-04
CO1	-	Stormwater Plan	MPN Group	Nov 2004	17-11-04
C00	-	Engineering notes	MPN Group	Nov 2004	17-11-04

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. 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:
- 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.

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. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the in-ground system in Stanley Street via the approved site stormwater management system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
39. A mandatory rainwater re-use tank system of minimum volume 147m<sup>3</sup> as required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. The drainage plans submitted with the DA will require amendment to reflect these requirements where to be advanced for Construction Certificate issue purposes. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. DCP47 is available in hard copy at Council and on the Council

website. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.

40. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided 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.
41. A maintenance period of six (6) months shall apply to the work 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.
42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
43. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
44. 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.
45. 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".
46. For the purpose of any 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 consent from Council.

47. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. 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).
49. Geotechnical aspects of the development works, particularly excavation and support, must be undertaken in accordance with the recommendations of the “Report to Mr. Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbarra avenue and 12 Porters Lane, St Ives NSW” (project 18895VBrpt, dated 21<sup>st</sup> October 2004) prepared by Jeffery and Katauskas Consulting Engineers.
50. The geotechnical implementation plan, testing and monitoring program for the construction works must be in accordance with the “Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lymbara Avenue and 12 porters lane, St Ives NSW” (project 18895Vbrpt, dated 21<sup>st</sup> October 2004) prepared by Jeffery and Katauskas Consulting Engineers. 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) and certification(s) of the geotechnical inspection, testing and monitoring programs.
51. 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.
52. All construction traffic control and management measures shall be implemented generally in accordance with the *Construction Traffic Management Plan* prepared by Masson Wilson Twiney, dated October 2004, submitted with the DA. 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.

53. 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. Where required, any security gate or door shown on the DA plans which would prevent this service must be deleted from the plans approved with the Construction Certificate.
54. To ensure compliance with Australian Standard 2890.1 – 2004 “Off-Street car parking”, no dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The design is approved based on an open space parking layout.
55. 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.

56. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
57. Landscape works shall be carried out in accordance with Landscape Drawing No LCP.01/A Job No. 040903 prepared by Botanica and dated 26/10/2004 submitted with the Development Application, except as amended by the following:
  - The *Jacaranda mimosifolia* (Jacaranda) trees proposed adjacent to the north-west (rear) site boundary are to be replaced with *Syncarpia glomulifera* (Turpentine) of the same pot size and spacing.
  - The proposed planting of *Prunus blireana* (Double flowering Plum) are to be replaced with another small ornamental tree species such as *Malus ioensis* ‘Plena’ or similar.
  - Proposed planting of *Melia azederach* (White Cedar) are to be replaced with *Sapium sebifferum* (Chinese Tallow Tree).
  - The proposed garden shed is to be located at the rear of the proposed building behind the building setbacks, so that it is not within any of the site frontages.
58. Removal/pruning of the following 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

#65 *Syncarpia glomulifera* (Turpentine)

Stanley Street frontage within proposed driveway entry/exit

59. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
60. 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.
61. 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

#13 *Araucaria heterophylla* (Norfolk Is. Pine)  
Adjacent to Lynbara Avenue site frontage

5.0m

#16 *Liquidambar styraciflua* (Sweet Gum)  
Adjacent to Lynbara Avenue site frontage

5.0m

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

Tree/Location

Radius from Trunk

#25 *Corymbia maculata* (Spotted Gum)  
Adjacent to Porters Lane site frontage

7.0m

#26 *Corymbia maculata* (Spotted Gum)  
Adjacent to Porters Lane site frontage

7.0m

#13 *Araucaria heterophylla* (Norfolk Is. Pine)  
Adjacent to Lynbara Avenue site frontage

5.0m

#16 *Liquidambar styraciflua* (Sweet Gum)  
Adjacent to Lynbara Avenue site frontage

5.0m

#32 *Jacaranda mimosifolia* (Jacaranda)  
Porters Lane nature strip

4.0m

#18 *Liquidambar styraciflua* (Sweet Gum)  
Lynbara Avenue nature strip

3.0m

#7 *Franklinia axillaris* (Gordonia) 3.0m  
Lynbara Avenue nature strip

#8 *Acer palmatum* (Japanese Maple) 3.0m  
Adjacent to Lynbara Avenue site frontage

63. 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 numbers refer to Arborist's Report by TLC Tree Solutions

Tree/Location	Radius from Trunk
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#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
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#26 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
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#13 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to Lynbara Avenue site frontage	5.0m
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#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Lynbara Avenue site frontage	5.0m
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#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley Street frontage	5.0m
--	------

#62 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to Stanley Street frontage/Northern site corner	6.0m
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#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Porters Lane nature strip	4.0m
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#18 <i>Liquidambar styraciflua</i> (Sweet Gum) Lynbara Avenue nature strip	3.0m
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#7 <i>Franklinia axillaris</i> (Gordonia) Lynbara Avenue nature strip	3.0m
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#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lynbara Avenue site frontage	3.0m
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64. 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 intervals.

Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.

65. To preserve the ongoing health and vigour of existing trees to be retained, the consulting Arborist is to directly supervise all excavation beneath the canopy drip line of any tree to be retained on site or on adjoining properties.
66. 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
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	9.0m
#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley Street frontage	5.0m

67. 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
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
#26 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
#13 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to Lynbara Avenue site frontage	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Lynbara Avenue site frontage	5.0m
#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley Street frontage	5.0m

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 Lynbara Ave and Stanley Street. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

*Syncarpia glomulifera* (Turpentine) x 3 (2 in Stanley Street and 1 in Lynbara Avenue)

70. 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.
71. 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.
72. The colour, texture and substance of all external materials shall be generally as detailed in the application. The colour of the building be changed from white to glass palace grey-green.
73. Eighty-six (83) car parking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:
  - 73 - Residential
  - 10 - 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)*

74. At least one external visitor parking bay shall be provided with a tap, for car washing purposes, in accordance with DCP55 Part 5.
75. Should Energy Australia, or any other energy provider, require a substation to be installed for the development, it should be located well outside the canopy drip line of ANY tree to be retained. It should be located within the landscape so that it can be screened from view.
- 75a. The balustrades to the balconies in the North-west elevation shall be increased in height to 1.2m and incorporate translucent glazing so as to reduce visual privacy impacts upon the adjoining development. Details are to be provided to the accredited Certifier prior to the issue of the Construction Certificate.
- 75b. The height of the rear boundary fence to the north-western boundary be increased to 3metres.



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

76. 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.

77. 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).
78. 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.
79. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
80. 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 FORTY FIVE (45) ADDITIONAL DWELLINGS IS CURRENTLY \$785,064.41. This is based on 49 dwellings less the existing 4 dwellings. 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	\$6,574.28
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	1.3persons

81. 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.

82. To preserve the ongoing health and vigour of tree #'s 13 and 16, the proposed drainage lines and pits as detailed on the Stormwater Plan dated 02/11/2004 are to be relocated so that they are no closer than 3.0m from the base of the respective tree trunks. 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.
83. To minimise potential landscape impacts, if an electrical substation is required by the energy authority, it is not to be located beneath the canopy drip line of ANY tree to be retained. It is preferred that the substation, if required, be located adjacent to a side site boundary so that it is not dominant within the landscape setting. Documentary evidence of compliance with this condition, showing the location of the proposed substation on a site plan is to be submitted to the principal certifying authority for approval prior to the issue of the construction certificate.
84. 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 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.

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

The bond will be returned following issue of the 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

#25 *Corymbia maculata* (Spotted Gum) \$2,000.00  
Adjacent to Porters Lane site frontage

#26 *Corymbia maculata* (Spotted Gum) \$2,000.00

Adjacent to Porters Lane site frontage

#13 *Araucaria heterophylla* (Norfolk Is. Pine) \$1,000.00

Adjacent to Lynbara Avenue site frontage

#63 *Araucaria heterophylla* (Norfolk Is. Pine) \$1,000.00

Adjacent to driveway/Stanley Street frontage

86. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing four Torrens lots. 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. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
87. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details of the proposed Vibration Monitoring Program as specified in section 4.2 of the “Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbara avenue and 12 Porters Lane, St Ives NSW” (project 18895VBrpt, dated 21 October 2004) prepared by Jeffery and Katauskas Consulting Engineers. This is to ensure that vibration created by the method of construction does not adversely impact surrounding property and infrastructure. A qualified and practising geotechnical engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. Details to be included in Vibration Monitoring Program to include:
- a. pre-set acceptable limits for the variation of:
    - i. settlement
    - ii. deflection or movement of retaining mechanisms such as shoring and bracing and
    - iii. vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
  - b. the location and type of monitoring systems to be used
  - c. Recommended hold points to allow for inspection and certification by a geotechnical engineer and
  - d. A contingency plan should the pre-set acceptable limits be exceeded.
88. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA) (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition all buildings within the ‘zone of influence’ defined as the horizontal distance from the edge of the excavation to twice the excavation depth. This requirement for a dilapidation report is specified in section 4.2 of the DA submission “Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbara avenue and 12 Porters Lane, St Ives NSW” (project 18895VBrpt, dated 21 October 2004) prepared by Jeffery and Katauskas Consulting Engineers. The report 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.

89. Prior to issue of the Construction Certificate, the Applicant must submit engineering plans for the following works in the Road Reserve.  
Construction of a fully new concrete footpath, 1.2 metres wide, over the full site frontage in Porters Lane and Lynbara Ave.

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).

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. 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. 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.

90. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

91. 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).
92. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The storage volumes and design shall comply with Councils Water Management DCP 47 ( available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. In this respect, the submitted DA concept stormwater services plans (refer plans C00 to C01 by MPN , dated 2/11/04) must be revised as follows:
  - The minimum rainwater tank(s) volume provided on site shall be increased to  $147\text{m}^3$  (not  $83.6\text{m}^3$  ) as specified in section 6.4 of Water Management DCP 47 and the plans are to be advanced as necessary for construction issue purposes.

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.

93. 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, car washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use shall be shown on this design to a detail suitable for installation by the plumbing

contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.

94. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the public drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.
95. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$50,000 (fifty thousand dollars) public infrastructure damage bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
  - The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
  - Works in the public road associated with the development are to an unacceptable quality.
96. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), advanced plans for the basement and external vehicle access and accommodation arrangements. These plans shall incorporate the following details:
- Installation of convex mirrors or traffic signals on single width circulation ramps to ensure ingressing and egressing drivers are aware of each other.
97. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate. (*Reason: To ensure quality built form of the development*).

98. The following energy efficiency devices are to be installed within the development:
- Gas boosted solar, heat pump or electricity boosted solar, instantaneous gas or high efficiency centralised gas hot water heating system.
  - Dual flush toilets.
  - Low flow taps and showerheads.

Details are to be submitted for approval with the Construction Certificate.  
(Reason: To promote the use of energy efficient appliances)

99. 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).
100. Any exhaust ventilation from the car park 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).
101. 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).
102. 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).

#### 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.
104. 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
#25 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	6.0m
#26 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to Porters Lane site frontage	7.0m
#13 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to Lynbara Avenue site frontage	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Lynbara Avenue site frontage	3.0m
#63 <i>Araucaria heterophylla</i> (Norfolk Is. Pine) Adjacent to driveway/Stanley Street frontage	3.0m
#62 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to Stanley Street frontage/Northern site corner	3.0m
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Porters Lane nature strip (pedestrian access to be maintained at all times)	4.0m
#18 <i>Liquidambar styraciflua</i> (Sweet Gum) Lynbara Avenue nature strip (pedestrian access to be maintained at all times)	3.0m
#7 <i>Franklinia axillaris</i> (Gordonia) Lynbara Avenue nature strip (pedestrian access to be maintained at all times)	3.0m
#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lynbara Avenue site frontage	3.0m

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. 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.

107. 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:

- a. Full road pavement width, including kerb and gutter, of Lynbara Ave between Porters Lane and Stanley Street, including the intersections
- b. Full road pavement width, including kerb and gutter, of Stanley Street over the full site frontage.
- c. Full road pavement width, including kerb and gutter, of Porters Lane over the full site frontage.
- d. 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 written) *existing* damaged areas on the aforementioned infrastructure so that:

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

The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

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.

108. 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 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 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 where 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 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.

**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:

- 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 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.

109. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a **construction site layout plan**. This is to entail a plan view of the entire site and frontage roadways indicating scale locations for :

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
- Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,

- 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 for employees, tradesperson and construction vehicles
  - The plan shall be prepared in conjunction with the Construction Traffic Management Plan prepared by Masson Wilson Twiney, dated October 2004, submitted with the Development Application.
  - The construction site layout 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 issue of the Construction Certificate. The traffic management measures contained in the approved plan shall be implemented in accordance with the above plans prior to the commencement of any works on-site including excavation.
110. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' as close as possible to the site. Further, 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 and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.

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

111. 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.
112. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the "Report to Mr Cameron Nelson on Geotechnical Investigation for Proposed Residential Development at 1 to 5 Lynbara Avenue and 12 Porters Lane, St Ives NSW" (project 18895VBrpt, dated 21 October 2004) prepared by Jeffery and Katauskas Consulting Engineers, must be supplied to the Principal Certifying Authority for approval.

113. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

- Completion of the new driveway crossings in accordance with levels and specifications issued by Council.
- Full reconstruction of the concrete footpath over the entire site frontage of Porters Lane and Lynbara Avenue.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. 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.

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. 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, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

114. Prior to issue of an Occupation Certificate the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and retention facilities (including all ancillary reticulation plumbing) 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 on-site detention and retention facilities (DCP47 appendix 14) 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 issue of an Occupation Certificate.

115. 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 detention/retention design for the site, and
- A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
- 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 also applies if the Principal Certifying Authority (PCA) is not the Council.

116. 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).
117. Prior to issue of an Occupation Certificate a certification and a works-as-executed (WAE) plan, in relation to the installed rainwater retention/detention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The Certificate is to specifically state compliance with each of the relevant controls set out in appendix 6.2 of Council Water Management Development Control Plan 47. The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:
- As constructed levels in comparison to design levels
  - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
  - Dimensions of all retention tanks/devices
  - Top water levels of storage areas and RL's at overflow point(s).
  - Storage volume(s) provided and supporting calculations/documentation.
  - For the on-site detention control installed, a separate certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:
    - As constructed levels in comparison to design levels
    - As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
    - As built locations of all pits and grates in the detention system, including dimensions.
    - The size of the orifice or pipe control fitted.
    - Dimensions of the discharge control pit and access grates
    - The achieved capacity of the detention storage and derivative calculation.
    - The maximum depth of storage over the outlet control.
    - Top water levels of storage areas and RL's at overflow point(s)
118. Prior to issue of an Occupation Certificate the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500.3.2, and

- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
  - A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:
    - a. As built reduced surface and invert levels for all drainage pits and connection points.
    - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
    - c. Gradients of drainage lines, materials and dimensions.
119. 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 dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that 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 the parking layout plans approved for the Construction Certificate.
120. Prior to issue of an Occupation Certificate the approved footpath works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant’s designing engineer and the works shall be completed and approved in full to the satisfaction of Council’s Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

## BUILDING CONDITIONS

121. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Retaining walls and associated drainage.

- d. Wet area waterproofing details complying with the Building Code of Australia.
  - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
  - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
122. 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.
123. 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.
124. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

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



*Against the Resolution: Councillors Bennett, Cross and Shelley*

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

(Moved: Councillors Innes/Shelley)

The above Resolution with the deletion of Condition 75b.

**Councillors Ebbeck withdrew**

192 **Analysis of Land and Environment Court Costs 3rd Quarter 2004/2005**

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File: S02466

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the third quarter ended 31 March 2005, including appeals commenced, costs incurred by Council and outcomes.

**Resolved:**

(Moved: Councillors Hall/Innes)

**Councillor Hall withdrew during discussion**

That the analysis of Land & Environment Court costs for the third quarter ended March 2005 be received and noted.

**CARRIED UNANIMOUSLY**

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

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 17 February 2005.

**Resolved:**

(Moved: Councillors Lane/Innes)

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

**CARRIED UNANIMOUSLY**

**Councillor Ebbeck returned during  
discussion of the above item**

194     **Outdoor Dining and Footpath Trading Policy**

.  
File: S03004

To present the "Outdoor Dining and Footpath Trading Policy" to Council for adoption.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That consideration of the matter be deferred and referred to the Planning Committee.

**CARRIED UNANIMOUSLY**

195     **Code of Conduct**

.  
File: S02554

To report to Council following exhibition of the Code of Conduct.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That the Code of Conduct be adopted, as **attached** and that a further report be brought back to Council within 2 months in relation to Council's previous resolution on the Code of Conduct.

**CARRIED UNANIMOUSLY**

**Councillor Hall returned during  
discussion of the above item**

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

*(Moved: Councillors Bennett/Cross)*

That the matter stand deferred until a further report is brought back to Council in accordance with Council's previous resolution on the Code of Conduct.

**Councillor Bennett withdrew**

**Preparation of Draft Local Environmental Plan to Amend Clause 25K of the Ku-ring-gai Planning Scheme Ordinance**

File: S02036

For Council to consider the need to prepare a Local Environmental Plan to amend Clause 25K of the Ku-ring-gai Planning Scheme Ordinance.

**Resolved:**

(Moved: Councillors Hall/Ebbeck)

- A. That Council endorse the methodology for applying clause 25K as outlined in the report.
- B. That Council resolve to prepare and exhibit a draft Local Environmental Plan to delete clauses 25K(b) and 25K(c) and to introduce a specific objective to minimise the perimeter bulk impacts the additional storey achieved by clause 25K.
- C. That Council consult with relevant authorities and notify the Department of Infrastructure Planning and Natural resources in accordance with the requirements of the Environmental Planning and Assessment Act.
- D. That a report be brought back to Council following completion of the exhibition period together with any submissions received.

**CARRIED UNANIMOUSLY**

**Wellington Road, East Lindfield - Sale of Former Women's Bowling Club Site**

File: P62942

For Council to consider the response of the Department of Lands to requests to delay the sale of the Wellington Road site to consider options for the future of the land.

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That the report be received and noted.
- B. That a copy of the report be distributed to interested residents.

**CARRIED UNANIMOUSLY**

**Councillor Bennett returned during discussion of the above item**

*Standing Orders were suspended to deal with the following item  
after a Motion moved by Councillors Hall & Bennett  
was CARRIED UNANIMOUSLY.*

198 **Acquisition of Land - St Ives**

File: S03730

To allow Council to consider whether and how it wishes to proceed with the acquisition of land for the purposes of a road as set out in Development Control Plan No 55 (DCP 55) for the block bounded by Mona Vale Road, Memorial Avenue and Link Road, St Ives.

**Resolved:**

(Moved: Councillors Hall/Lane)

- A. That Council not pursue the proposal as shown in Development Control Plan No 55 for a new roadway through the block bounded by Mona Vale Road, Memorial Avenue and Link Road, St Ives
- B. That Council include a condition of consent on development applications requiring the provision of a formed footway of 1.2 metres in width through relevant sites so as to create a through link and that this footway remain publicly accessible between the hours of 6 am and 9 pm daily
- C. That subject to the traffic study outcomes and investigations of lot amalgamations and land ownerships, further consideration be given to other road access options within the area known as the St Ives Triangle.

**CARRIED UNANIMOUSLY**

*Standing Orders were Resumed*

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

199 **Development Applications for Torrens Title Subdivision**

.

File: S02036

**Notice of Motion from Councillor T Hall dated 11 May 2005.**

I move:

That all development applications proposing Torrens title subdivision to create up to 3 lots be determined by staff under delegated authority, excepting those that are called to full Council by a Councillor.

**Resolved:**

(Moved: Councillors Bennett/Cross)

That consideration of the matter be deferred and referred to the Planning Committee.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Hall/Lane)*

That the above Notice of Motion as amended be adopted.

**QUESTIONS WITHOUT NOTICE**

200 **11 Woniora Avenue, Wahroonga - Notice of Motion**

File: P63533

Question Without Notice from Councillor N Ebbeck

Could the General Manager please accept the attached Notice of Motion regarding the potential to rezone No 11 Woniora Avenue, Wahroonga?

Could the General Manager please ensure that this Notice of Motion be included on the Agenda for the Ordinary Meeting of Council to be held on 14 June 2005?

**Answer by the General Manager**

Yes.

201 **Policy on Removal of Asbestos during Building Demolitions**

File: S04283

Question Without Notice from Councillor G Innes

I refer to recent media reports of Councils in the Sydney metropolitan area who have developed policies on the removal of asbestos during building demolition and the holding of bonds from developers where asbestos may need to be removed as part of a development application.

Could the General Manager report on initiatives by other Councils in this area and the viability, cost and process necessary for implementing similar policies in Ku-ring-gai?

**Answer by the Mayor**

The General Manager will report back.

202     **Propriety of Ward Councillors' Actions - Proposed Non-Compliance**

File: DA1260/04

Question Without Notice from Councillor M Lane

Would the General Manager seek appropriate advice as to the propriety of the Ward Councillors' actions in relation to the advice given to the applicant proposing non-compliance with a development standard in respect of DA1260/04?

**Answer by the Mayor**

The General Manager will report back.

203     **Section 94 Contributions - Request copy of Kogarah Council Judgement Case**

File: S02073

Question Without Notice from Councillor L Bennett

Can I have a copy of the Judgement that the Director of Planning & Environment referred to earlier about Section 94 Contributions in Kogarah?

**Answer by the Mayor**

Yes.

204     **Councillors Attending Interstate Conferences**

File: S03779

Question Without Notice from Councillor T Hall

I refer to the Council resolutions 163 and 165 of 2005 for interested Councillors to attend Conferences approved in those resolutions last meeting.

Would the General Manager provide details of those Councillors who will be attending, where these interstate conferences will be held and the estimated costs involved?

**Answer by the Mayor**

The General Manager will report back.

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

The next Inspections Committee will take place on Saturday, 11 June 2005 to view the following property:

1580 to 1596 Pacific Highway, Wahroonga

**Councillor Cross departed**

***Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following items:***

205

### **Sale of 48 St Johns Avenue, Gordon**

*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: P59001

Report by Director Finance & Business dated 4 May 2005.

#### **Resolved:**

(Moved: Councillors Innes/Ebbeck)

- A. That Council authorise the Mayor and General Manager to set the reserve price within the range of the figures stated in the confidential report on the day of the public auction.
- B. That Council authorise the Mayor and the General Manager or their delegates to negotiate the sale of the property for an amount not less than 90% of the reserve price in the event the property does not reach reserve at auction.
- C. That Council authorise the General Manager and the Mayor or their nominees to execute all documentation associated with the transfer of the land.
- D. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

**CARRIED UNANIMOUSLY**

206

### **2 Loombah Avenue, Lindfield - Land & Environment Court Proceedings Number 10816/04 - Council ats Loombah Investments Pty Ltd**

*(Section 10A(2)(g) - Advice concerning litigation)*

File: DA0911/03

**The Mayor, Councillor Ryan departed during discussion and the Deputy Mayor, Councillor Ebbeck assumed the Chair**

To seek Council's instructions regarding the filing of an Appeal pursuant Section 56A of the Land and Environment Court Act in relation to the Judgement of Senior Commissioner Roseth delivered on 3 May 2005.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That Council appeal the decision of Senior Commissioner Roseth in Action Number 10816/04 delivered 3 May 2005 pursuant to Section 56A of the Land & Environment Court Act.

*For the Resolution: Councillors Bennett, Hall, Innes and Shelley*

*Against the Resolution: The Deputy Mayor, Councillor Ebbeck, Councillors Andrew, Lane*

*Reverted to Open Council*

The General Manager adverted to the consideration of the matters referred to in the Minutes numbered 205 and 206, and to resolutions contained in such Minutes.

*The Meeting closed at 10.49pm*

The Minutes of the Ordinary Meeting of Council held on 24 May 2005 (Pages 1 - 96) were confirmed as a full and accurate record of proceedings on 14 June 2005.

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General Manager

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Mayor / Chairperson