

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 25 MAY 2004

- Present: The Mayor, Councillor A Ryan (Chairperson) (Gordon Ward)
Councillor A Andrew (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillor N Ebbeck (Wahroonga Ward)
Councillor M Lane (Gordon Ward)
Councillor M Shelley (Roseville Ward)
- Staff Present: General Manager (Brian Bell)
Director Environment & Regulatory Services (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 7.01pm

The Mayor offered the Prayer

242 **APOLOGIES**

File: S02194

Councillors I Cross (illness) and E Malicki (illness) tendered apologies for non-attendance and requested leave of absence.

Resolved:

(Moved: Councillors Shelley/Andrew)

That the apologies by Councillors I Cross and 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.

ADDRESS THE COUNCIL

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

T Whitmore
K Davies
A Parr
E Hudson

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:

Refers GB.1: 25 Murdoch Street, Turramurra – Memorandum from Director Environment & Regulatory Services & Manager Development Assessment Services dated 25 May 2004 regarding landscape plan

Refers GB.12: 37 Woodbury Road, St Ives - Memorandum from Director Environment & Regulatory Services & Manager Development Assessment Services dated 25 May 2004 regarding amendments to report to Council

CONFIRMATION OF MINUTES

243 Minutes of Ordinary Meeting of Council

File: S02131
Meeting held 11 May 2004
Minutes numbered 227 to 241

Resolved:

(Moved: Councillors Hall/Shelley)

That Minutes numbered 227 to 241 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

244 **Illoura Avenue cul-de-sac, Wahroonga (Twenty-Eight [28] Signatures)**

File: S03209

There is a move afoot by a minority of homeowners in the cul-de-sac end of Illoura Avenue, Wahroonga, to approach Ku-ring-gai Council, and the Assistant Planning Minister Diane Beamer, to try and effect a change to Council's proposed zoning for that street.

We understand that as part of Council's Residential Strategy, this section of Illoura Avenue, and for that matter all Illoura Avenue, is zoned as 2(c)2.

These residents wish to have the street, or part of it, rezoned as 2(d)a, not because Council has sought such a change, but on an opportunistic basis, to increase the value of the properties so a sale can be made to developers.

We, and other residents of the Illoura Avenue cul-de-sac, and the adjacent properties, strenuously oppose such a rezoning.

Can we have Council's assurance that the street will not be rezoned from 2(c)2, and that Council's intentions about the use of the area will remain as set out in the Residential Strategy, and not rezoned for multi-storey medium density development.

Attached you will find a list of co-signatories to this letter, who are all residents of the Illoura Avenue cul-de-sac, or immediate neighbours likely to be adversely affected by any rezoning.

Resolved:

(Moved: Councillors Ebbeck/Shelley)

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

CARRIED UNANIMOUSLY

245 **Proposed Earthworks - Corner Eastern Road and Burns Road, Wahroonga (Forty-Nine [49] Signatures)**

File: DA1163/03, S03429

The following Petition was presented by Councillor Ebbeck:

We the undersigned, believe that all of the plans so far submitted for an entranceway off Eastern Road to the above site are unacceptable. We feel that an entranceway on Eastern Road will cause irreversible damage to the environment, heritage values and character of our area. The loss of trees, the loss of the “bushland” atmosphere, the introduction of large retaining walls, the lack of screening to the new development and the introduction of a median strip on Eastern Road are all out of character to the area and unacceptable to the residents. We consider that an entrance of Burns Road, in the location of the current crossover and letterbox, would be a better solution for all parties and should be thoroughly investigated, in consultation with the residents, prior to any final decision.

We also petition the Council to reconsider the question of the addition of land to widen the narrow section of the Turiban Creek Reserve a proposal of longstanding and incorporated in the original Planning Scheme for Ku-ring-gai. Such addition was previously proposed as the developer’s contribution to Open Space and recreation to be dedicated upon subdivision.

Resolved:

(Moved: Councillors Ebbeck/Shelley)

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

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with the
Business Paper items where there are speakers first
after a Motion moved by Councillors Shelley and Ebbeck
was CARRIED UNANIMOUSLY*

GENERAL BUSINESS

246 **6 Lynn Ridge Avenue, Gordon - Lease Renewal**

File: P64494

To consider the granting of a lease to Ku-ring-gai Meals on Wheels Inc. for the occupation of the Gordon Meals on Wheels kitchen and dining room.

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That a lease be granted to Ku-ring-gai Meals on Wheels Inc. for a period of five (5) years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

CARRIED UNANIMOUSLY

247 799 Pacific Highway, Gordon – Lease

File: S02417

To consider the granting of a lease to Ku-ring-gai Historical Society Inc. for the continued occupation of a room located within the former Gordon Public School building at 799 Pacific Highway, Gordon.

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That a lease be granted to the Ku-ring-gai Historical Society Inc. for a period of five (5) years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

CARRIED UNANIMOUSLY

248 116 Fox Valley Road, Wahroonga - Option to Renew

File: P43479

To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 116 Fox Valley Road, Wahroonga, to operate the Fox Valley Kindergarten.

Resolved:

(Moved: Councillors Hall/Shelley)

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 116 Fox Valley Road.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

249 **72A Springdale Road, Killara - Option to Renew**

File: S03169

To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 72A Springdale Road, Killara, to operate the Killara Park Pre-School.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 72A Springdale Road.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

250 **Investment Cash Flow and Loan Liability as at 30 April 2004**

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 2004.

Resolved:

(Moved: Councillors Hall/Lane)

That the summary of investments, daily cash flows and loan liability for April 2004 be received and noted.

CARRIED UNANIMOUSLY

251 **25 Murdoch Street, Turramurra - New Dwelling to create a Detached Dual Occupancy**

File: DA 455/03

Ward: Wahroonga

Applicant: PG Binet Pty Ltd

To determine an application for the construction of a new dwelling to create a detached dual occupancy.

Resolved:

(Moved: Councillors Ebbeck/Lane)

That Development Application 455/03 for approval to demolish the existing swimming pool and erect a detached dual occupancy at 25 Murdoch Street, Turramurra as shown on the architectural drawings prepared by the PG Binet Pty Ltd dated 3 December 2003 Dwg 562-1 Amendment A and the Landscape Plan prepared by the PG Binet Pty Ltd dated 3 March 2003 be approved for a period of two (2) years from the date of the notice of determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 455/03 and Development Application plans prepared by PG Binet Pty Ltd, reference number Dwg 562-1 Amendment A, dated 3 December 2003 and the Landscape Plan prepared by PG Binet Pty Ltd, dated 3 March 2003 and lodged with Council on 17 April 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

13. 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.
14. 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.
15. 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.
16. 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.

17. Landscape works shall be carried out in accordance with Landscape Drawing No 562-2 prepared by P G Binet Pty Limited and dated 24 Feb 04 submitted with the Development Application, except as amended by the following:
 - Front boundary - 1. Agapanthus shall be substituted with *Doryanthes excelsior* (Gynea Lilly) and show the entire area planted out (even beneath the canopies of existing trees). 2. Plant out other bare areas along the front boundary with *Doryanthes excelsior* (Gynea Lilly) and *Lomandra longifolia*.

- The *Jacaranda mimosifolia* (Jacaranda) shall be substituted with an *Angophora costata* (Sydney Red Gum).
- An additional Lilly Pilly *Syzygium leuhmanii* (not *Eugenia Leuhmanii*) shall be planted along the western boundary.
- Jasmine shall be substituted with *Trachelospermum jasminoides* (Star Jasmine).
- Additional planting is required along the southern boundary where no planting is proposed beneath the canopy of existing trees.

18. No new fill shall be placed within 1.5 metres of the Adams Avenue boundary.
19. 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
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Adjoining property to the west	6m

20. To preserve the following tree, footings of the proposed western wall of the dining room and balcony shall be isolated pier construction within the specified radius of the trunk. 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.

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Adjoining property to the west	6m

21. Paving works within the specified radius of the trunk of the following tree 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
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Council's nature strip	5m

- 22.. 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.
23. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

24. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
25. To maintain capacity of the public drainage system, an On-site Stormwater Detention System must be provided for both the existing and proposed residences in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

- NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.
- NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

26. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
27. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
28. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
29. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

30. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access, accommodation arrangements and passing opportunities must be designed and constructed to comply with Australian Standard AS 2890.1 - "Off-Street car parking".
31. To enable compliance with the requirements of Council's Dual Occupancy Control Code the development shall contribute to water conservation through the installation of appropriate water conservation devices as follows:
 - Maximum 6/3 litre dual flush cisterns

- Shower heads with reduced water flow devices
- Garden watering systems (if installed) shall incorporate drip rather than spray mechanisms.
- Garden beds should be mulched to retain water and reduce evaporation during extended dry periods.

Additionally, so as to ensure safe egress and ingress within the development and to ensure the security of the occupants, adequate lighting is to be provided to all paths, accessways, parking areas and building entries. Spillage from any such lighting shall be contained within the property boundaries.

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

32. The following changes shall be shown on all relevant plans submitted with the application for the Construction Certificate:
 - the driveway shall be reduced in width so that it is a minimum distance of 2 metres from the Blue Gum street tree;
 - site access during construction shall be over the reduced driveway. No vehicle movement is permitted within 2 metres of the centre of the *Eucalyptus saligna* (Sydney Blue Gum) located on the nature strip and a protective fence is required as per other conditions;
 - the retaining wall required to retain fill forward of the new dwelling shall be located at least 1.5 metres inside the street boundary;
 - the site boundary fence shown on the site management plan shall be relocated to 1.5 metres inside the street boundary (this fence shall act as a tree protection fence as well). A revised site management plan detailing all relevant matters, including dust minimisation measures, construction parking and safety measures shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
 - Wind down awnings shall be provided to the Meals room and Bedroom 2 to provide shading from the western sun. The awnings shall be sympathetic to the style of the dwelling and the width of the glazed areas only.

33. A CASH BOND/BANK GUARANTEE of \$2000 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 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.

34. A CASH BOND/BANK GUARANTEE of \$5000 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

<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Nature strip	\$2000
<i>Angophora costata</i> (Sydney Red Gum) / Nature strip	\$1000
<i>Eucalyptus sp.</i> (Mahogany)	\$1000
<i>Allocasuarina sp.</i> (Sheoak)	\$1000

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

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

36. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and 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.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

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

37. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

38. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

39. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front façade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

40. 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 ADDITIONAL DWELLING IS CURRENTLY \$12,459.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

- | | | |
|----|----------------------------------|---------|
| 1. | Preparation of New Residents Kit | \$10.98 |
| 2. | New Resident Survey | \$9.87 |

3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Turrumurra	\$1,966.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

41. 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.
42. 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).
43. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

44. To preserve the *Eucalyptus saligna* (Sydney Blue Gum) on the nature strip, no work shall commence until a tree protection fence 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 is erected along the northern side of the driveway from the boundary to the kerb. The fence is to continue along the kerb to the north for 5 metres and is required to prevent any activities, storage or the disposal of materials around the tree. The fence shall be maintained intact until the completion of all demolition/building work on site.
45. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
46. 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.
47. 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 building 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.

48. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
49. To protect the public, a temporary 1.8 metre high chain mesh, or similar, fence is required along the boundary adjoining the reserve/park prior to work commencing and maintained throughout the construction work.
50. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

51. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.
52. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
53. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. 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 drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

54. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

55. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.

56. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Certification that the smoke detectors have been installed in accordance with the Building Code of Australia.
57. 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.
58. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
59. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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 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.

BUILDING CONDITIONS

60. 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. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
61. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

62. 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.

63. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.
Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.
Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.
To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

CARRIED UNANIMOUSLY

252

Budget for 2003/2004, 3rd Quarter Review as at 31 March 2004

File: S02394

To present to Council the quarterly financial review for the period ended 31 March 2004.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That Council adopts the variations contained in this report.
- B. That the funding gap of \$39,000 be sourced from working funds.
- C. That \$92,500 be transferred to the Superannuation Reserve.
- D. That \$119,000 be transferred to the Golf Course Improvement Levy Reserve.

CARRIED UNANIMOUSLY

Request to Extend Night Fixtures to Barra Brui Oval

File: S0993

G Kennan addressed Council

To consider a request from St Ives Rugby Club to include Barra Brui Oval as a venue for extending the trial of fixtures under lights prior to reporting to Council.

Resolved:

(Moved: Councillors Hall/Bennett)

- A. That Council allow use for limited night fixtures for five Fridays in a nine week period commencing at Barra Brui Oval consistent with the terms outlined in this report.
- B. That such use of the field is consistent with conditions outlined in the Action Plan for the Management of Night Games during Winter 2004 Trial.
- C. That residents be notified of the trial.

CARRIED UNANIMOUSLY

37 Woodbury Road, St Ives - Supplementary Report

File: DA 103/03

The following members of the public addressed Council:

**S Giuliano
D Cohen
C Blyth**

To provide a response to matters raised during the site inspection carried out on 14 February 2004.

Resolved:

(Moved: Councillors Bennett/Shelley)

That Council grant deferred commencement consent to Development Application No 103/03 for the construction of two dual occupancy developments on Lot 1, DP 617449, 37 Woodbury Road, St Ives, subject to the following conditions:

SCHEDULE A

1. The consent shall not operate until documentary evidence of the registration of the subdivision of Lot 1, DP 617449 into two allotments as approved by development consent to DA 102/03 is submitted to Council.

SCHEDULE B

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 103/02 and Development Application plans prepared by Harry Sidaway & Associates Pty Ltd, reference number 0208, Drawing numbers SA01, issue B, dated 4/3/04, D01, issue D, dated 31/7/03, D02, issue C, dated 31/7/03, D03, issue C, dated 31/7/03, D04, issue C, dated 31/7/03, D05, issue C, dated 31/7/03, D06, issue C, dated 19/6/03, D07, issue C, dated 19/6/03, D08, issue B, dated 30/1/03, D09, issue B, dated 19/6/03, D10, issue B, dated 19/6/03 and D11, issue B; dated 31/7/03.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Condition deleted.
5. The decks indicated on the architectural plans shall be constructed of timber, spaced to enable the penetration of stormwater to the ground below.
6. The development shall contribute to water conservation through the installation of appropriate water conservation devices as follows:
 - Maximum 6/3 litre dual flush cisterns
 - Shower heads with reduced water flow devices
 - Garden watering systems (if installed) shall incorporate drip rather than spray mechanisms.
 - Garden beds should be mulched to retain water and reduce evaporation during extended dry periods.
7. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
8. 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.

9. 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.
10. 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.
11. 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.
12. **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.
13. 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.
14. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
15. 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.
16. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground and first floor shall be submitted to the Principal Certifying Authority on completion of that floor.

17. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
20. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
21. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
22. For safety purposes, depth markers shall be provided at both ends of the pool.
23. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
24. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
25. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.

26. To ensure compliance with the Swimming Pools Act, 1992, the existing boundary fence, forming part of the safety fencing to enclose the pool shall be upgraded or otherwise so altered or reconstructed so as to comply with the provisions of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools". The overall height of the dividing fence is not to exceed 1.8 metres in height above the natural ground level. Attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owners which may arise in respect of this matter and enquiries in this regard may be made at the nearest Local Court.
27. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
28. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage doors and connected to the stormwater drainage system. This requirement does not apply where driveways are graded away from the garages, in which case suitable interceptor drains are to be provided
29. For stormwater control all paved areas are to be drained to the main drainage system.
30. Stormwater runoff from all roof areas, hard surfaces, or landscaped areas that are not at natural ground level, must be piped to the interallotment drainage system approved by Council which directs stormwater from the site to Woodbury Road..
31. For stormwater control, on-site stormwater detention systems are to be provided for each dwelling in accordance with Council's Stormwater Management Manual and generally in accordance with concept stormwater drainage plans SW1 to SW4, by R L Temple, drawn January 2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The systems are to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention systems and property drainage systems are not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full

computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention systems are used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings for each dwelling.

32. Provision to Council prior to the issue of a Construction Certificate of a \$5,000.00 (five thousand dollar) bond to cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage or within close proximity to the subject development, or for any incomplete works, caused as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. 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.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
33. Minimum doorway width for double garages is to be 4.8 meters, in accordance with Australian Standard 2890.1 – 1993 "Off-street car parking". 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 AS 2890.1 – "Off-Street car parking".
34. For the Woodbury Rd frontage, a 5.5m wide crossing and layback is to be provided. To comply with Australian Standard 2890.1 - 1993 "Off-street car parking", the access driveway is to be constructed to provide a minimum clear width of 5.5 metres for the first 6 metres from the frontage roadway. The purpose of this is to allow an area for two vehicles to pass each other if necessary, rather than reversing or waiting in the road.
35. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These

facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

36. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
37. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.
38. 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.
39. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
40. Landscape works shall be carried out in accordance with Landscape Drawing No SK01C and SK02C prepared by Pittendrigh Shinkfield Bruce and dated 23 June 2003 submitted with the Development Application, except as amended by the following:
 - landscape plans to match drawing amendments made to architectural plans 19.06.03
41. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the

period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

42. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
43. 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.
44. Excavation within the primary root zone shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All tree numbers refer to Tree Report by Pittendrigh Shinkfield Bruce dated 29 January 2003. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
45. To preserve the health and condition of the following tree/s, suspended concrete driveway to be constructed prior to commencement of work. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Tree/Location

Eucalyptus saligna (Sydney Blue Gum), T1/north boundary, adjoining property

46. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
47. 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.
48. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

49. The coping of the swimming pool and surrounding deck for House 4 shall have a reduced level of 164.88 to reduce the height of the pool coping above natural ground level. Plans indicating such detail shall be submitted prior to the release of a Construction Certificate.

50. 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.

51. 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).
52. 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.
53. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
54. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWO (2) ADDITIONAL DWELLINGS IS CURRENTLY \$66,114.44. 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 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - St Ives	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

55. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a suitably qualified and experienced civil/hydraulic engineer that the existing pipes within the interallotment drainage easement system to be utilised, which are not proposed to be reconstructed, are in satisfactory condition and have hydraulic capacity to carry design flowrates and/or detention system overflows (where detention systems are to be provided) from the subject property, as far as the approved point of discharge to a recognised public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows (i.e certification cannot be given), the Applicant shall submit prior to issue of the Construction Certificate, for approval by the Principal Certifying Authority (PCA), full design documentation

for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the recognised public drainage system. Plans are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with the requirements of Council's Stormwater Management Manual and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of system to scale showing dimensions, location and reduced levels of all pits, pipes, flushing facilities and exact point of discharge to Council system,
- b. Supporting sizing and contributing catchment calculations
- c. Longitudinal section showing existing ground levels and proposed invert levels,
- d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
- e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.

56. The drainage concept design, by R Temple, Drawing number SW1 & 2, Nov 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:

- a. No bends in the pipes downstream of the orifice plate.
- b. The roof gutter, down pipe and drainage system for each dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- c. Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- d. Any first flush drainage trench to be at least 5.0m away from adjoining neighbours properties.
- e. Drainage design details are to be compatible with the landscaping plans.
- f. Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, and (b) OSD basin walls. Only after the approval of Council's landscape officer, can the Construction Certificate be issued.
- g. The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square

Equal to or Less than 600mm	600square
Greater than 600mm	600 X 900

57. For stormwater retention, provision of a 2000 litre rainwater tank for each of the new dwellings, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front facade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

58. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.

59. The drainage systems shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

60. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention on each dwelling, and supporting calculations, are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
61. For both street frontages, the following will apply for any new crossing or driveway works adjacent to the boundary:

DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to 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 this may be affected by the alignment levels fixed by Council.

Note: 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.

62. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
63. 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.

Construction traffic shall be restricted to access the site from Woodbury Road only, except for construction workers personal vehicles, which may access the site via Maunder Avenue and park on the rear of the property.

64. A Landscape plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council’s Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council’s Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

65. Details of pond design (House 3) is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.
66. A plan detailing screen planting of the following shall be submitted to Council prior to the release of the Construction Certificate and approved by Council’s

Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining the following heights.

House 1 and 4	along eastern boundary	3.0 metres
House 1 and 4	along dividing boundary	2.0 metres
House 2 and 3	along western boundary	3.0 metres
House 2 and 3	along dividing boundary	3.0 metres

67. Stormwater detention basins are to be located away from site boundaries to allow for screen planting. Amended plan is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.
68. No drainage lines or grated drains are to be located within the specified radius of the following tree/s.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum), T6 North boundary on the adjoining property	4.0m
<i>Eucalyptus saligna</i> (Sydney Blue Gum), T9 East boundary on the adjoining property	4.0m
<i>Angophora costata</i> (Sydney Red Gum), T20 Centre of front setback	3.0m

Amended plan is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.

69. All stormwater pipes along eastern and western boundaries are to be moved closer to building footprint to allow for existing and proposed screen planting along boundaries. Amended plan is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.
70. The property shall support a minimum number of 10 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
71. The 2 trees (Lot 1, 1 no., Lot 2 1 no.) to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

72. A CASH BOND/BANK GUARANTEE of \$2,000.00 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 this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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

73. A CASH BOND/BANK GUARANTEE of \$2,000.00 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

Eucalyptus saligna (Sydney Blue Gum), T1/north boundary, adjoining property
Angophora costata (Sydney Red Gum), T20/centre of front setback

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

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

75. To preserve the following tree/s, footings of the proposed House 4 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 Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum), T9	8.0m
East boundary on the adjoining property	

76. The Applicant must submit details for the following infrastructure works in Maunder Avenue.

Full seal of Maunder Ave between the boundary of subject site and the existing edge of seal on Maunder Ave. Unless otherwise specified, the road construction and seal shall consist of subgrade preparation, a 150mm DGS 40 sub-base, a 100mm DGB 20 basecourse and sealing of road with a 50mm (min) AC14 cover. The area of seal under the canopy of the three adjacent and significant Sydney Blue Gum trees shall be set back 1.5 metres, as measured from the centre of the trunk of the two largest trees. Works in this vicinity shall have regard to the following comments from Councils Landscape officer, regarding maintaining the integrity of these trees:

- Any excavation within the critical root zone (i.e. 5 x the diameter of the trunk and chest height) should be hand dug.
- No kerb and gutter on the northern side of Maunders Avenue.
- Road levels to be no lower than levels of existing gravel section.
- No fines bitumen to be laid to enable water percolation and gaseous exchange.
- Tree protection should include trunk protection of larger trees (4no) and protective fencing to be placed along northern edge of Maunders Avenue to prevent storage of materials and stockpiling of topsoil within canopy area of trees.
- A qualified arborist is to be on site to oversee all of the above works.

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

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

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

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

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

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

77. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$ 18,000 (eighteen thousand dollars) 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 or 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.

78. To reduce the 'built-upon area' as defined by the Ku-ring-gai Planning Scheme Ordinance and ensure the development has a soft landscaped area consistent with surrounding development the following revisions shall be made:

- a. The swimming pool and deck area surrounding the pool associated with House 2 shall be deleted and replaced with deep soil landscaped area.
- b. The swimming pool and associated deck to House 4 shall be deleted and replaced with soft landscaped area.

Plans reflecting this revision shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.

78A. To reduce the bulk and scale of Houses 1 & 2 shall be amended as follows:

- i. The ceiling height of the ground floor (including the garage) shall be reduced so the height from the ground floor level to the first floor level is reduced from 3200mm to 3000mm resulting in the following RL's for the first floor levels:
House 1: RL168.25
House 2: RL168.00
- ii. The ceiling height of the first floor shall be reduced from 2700mm to 2400mm, resulting in the following RL's for the first floor ceilings:
House 1: 170.65
House 2: 170.40
- iii. The ridge heights shall be amended to reflect the revised ceiling heights and maintain the pitch as indicated on the approved plans.

78B. To reduce the bulk and scale, House 3 shall be amended as follows:

- i. The ceiling height of the ground floor (including the garage) shall be reduced so the height from the ground floor level to the first floor level is reduced from 3400mm to 3000mm, i.e. the first floor level having an RL 168.17.
- ii. The ceiling height of the first floor shall be reduced from 2700mm to 2400mm, i.e. the first floor ceiling having an RL 170.57.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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. 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. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
82. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
83. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
84. For stormwater control a diversion bank/catch drain shall be constructed upslope of construction and disturbed areas to divert upslope runoff away from the construction site and disturbed areas to a stable area/collection point prior to work commencing.
85. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Angophora costata (Sydney Red Gum), T20 / centre of front setback

86. 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

Eucalyptus resinifera (Red Mahogany), T21
Nature strip 4.0m

Eucalyptus resinifera (Red Mahogany), T23
Nature strip 5.0m

Syncarpia glomulifera (Turpentine), T24 3.0m
Nature strip

Eucalyptus saligna (Sydney Blue Gum), T4 8.0m
North east corner, adjoining property

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

Tree/Location	Radius From Trunk
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<i>Eucalyptus resinifera</i> (Red Mahogany), T22 Nature strip	5.0m
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<i>Eucalyptus paniculata</i> (Grey Ironbark), T25 South west corner of site	7.0m
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House 1 <i>Magnolia soulangiana</i> (Magnolia) T29 Eastern boundary	1.5m
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House 4 <i>Eucalyptus saligna</i> (Sydney Blue Gum), T4 East boundary on the adjoining property	4.0m
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88. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

89. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards, gravel beds) beneath the canopy of the following tree/s is/are installed:

Tree/Location	Radius From Trunk
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<i>Syncarpia glomulifera</i> (Turpentine), T5 North boundary, adjoining property	3.0m
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<i>Eucalyptus saligna</i> (Sydney Blue Gum), T6 North boundary, adjoining property	8.0m
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<i>Angophora costata</i> (Sydney Red Gum), T20 Centre of front setback	
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90. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117

to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

91. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
92. If required (based on the existing condition of the system determined prior to Construction Certificate issue), the construction of a suitable interallotment drainage system shall be undertaken as far as the approved point of discharge, prior to occupation or issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and/or with Council's Stormwater Management Manual. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that all drainage structures are wholly contained within the drainage easement(s).
93. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. 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 drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to occupation or issue of the Occupation Certificate.

94. Construction of the On-site Stormwater Detention System(s) for each dwelling is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.

- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- a. Invert levels
- b. surface or pavement levels
- c. floor levels including adjacent property floor levels
- d. maximum water surface level to be achieved in the storage zone
- e. dimensions of basin(s), tank(s), pit(s), etc.
- f. location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- g. storage volume(s) provided and supporting calculations
- h. size of orifice(s)

- 95. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
- 96. Prior to occupation or the issue of an Occupation Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
- 97. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening each registered lot with the requirement to maintain the on-site stormwater detention facilities on the lot, prior to occupation or issue of the Occupation Certificate . The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
- 98. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road works in Maunder Ave must be completed 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

99. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and documentary evidence of compliance with the relevant terms of the approval/standards of construction detail in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

Swimming Pools

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Reinforcement AND circulation lines in position prior to any concrete being poured, placed or sprayed.
- c. Drainage lines and circulation lines outside the pool area prior to any backfilling.
- d. Safety fences, gates and latches erected and installed - pools are not to be filled unless a satisfactory inspection of the pool fencing has been made.
- e. Final Inspection - on completion when all conditions of approval have been met including soundproof enclosures, resuscitation posters, depth markers installed and all landscaping completed.

Dwellings and decks

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

100. The construction of the walls separating Dwellings 3 & 4 shall have a Sound Transmission Classification in accordance with the requirements of Part 3.8.6 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
101. So as to ensure adequate fire separation, walls separating Dwellings 3 & 4 are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
102. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the smoke detectors installed comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - f. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
 - g. A Registered Surveyor's Reports confirming approved floor levels for all floors.
103. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
104. 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. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
105. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
106. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
107. 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.
108. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
109. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and

- ii. are connected to the mains and have a standby power supply; and
- iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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

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

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

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

111. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the smoke detectors comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - f. A Registered Surveyor's Reports confirming approved floor levels for all floors.
 - g. A registered surveyors report confirming the development does not exceed 60% built upon area.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Lane)

That the officer's recommendation be adopted.

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7A Dennis Avenue, Wahroonga - Summary Report

File: DA 321/03

Response to site meeting questions related to the proposed dual occupancy development at 7A Dennis Avenue, Wahroonga.

Resolved:

(Moved: Councillors Andrew/Ebbeck)

- A. That Development Application No 321/03 for a detached dual occupancy and alterations and additions to the existing dwelling at 7A Dennis Avenue, Wahroonga, being Lot 1, DP 202690, be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 321/03 lodged with Council on 21 March, 2003 and Development Application plans prepared by Wibsoma Pty. Ltd, reference number Drawings DA004 Revision B dated 25/06/03, N/G001, N/G002, N/G003, N/G004 Revision A dated 23/02/03, N/D001, N/D002, N/D003, N/D004, N/D005, N/D006 Revision C, dated 4/9/03.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. 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.

6. 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.
7. 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.
8. 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.
9. **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.

10. 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.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

To maintain existing ground levels all excavated material shall be removed from the site.

13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

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.

With regard to the proposed rock breaking the following conditions are to be observed:

- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
 15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 16. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Certificate.
 17. Compliance with the general terms of approval issued by the Rural Fire Service and the Department of Infrastructure Planning and Natural Resources.(as follows).

17(A) Rural Fire Service

- (a) Construction should comply with AS3959 - 1999 level 2 'Construction of Buildings in bushfire prone areas'.
- (b) All subfloor space is to be enclosed using materials and construction standards conferred to in AS3959.
- (c) Inclusion of leafless guttering or other mechanical means to be installed on the structure to prevent the build up of flammable material within the gutters. The gutter guard should also enable access to the gutter downpipe for the fitting of a gutter plug in the event of potential fire overrun.
- (d) The entire property shall be managed as an inner protection area as outlined within *Planning for Bushfire Protection 2001*.

17(B) Department of Infrastructure Planning and Natural Resources

CONDITIONAL TO ISSUE OF PART 3A PERMIT

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Infrastructure, Planning and Natural Resources (DIPNR) has an approval role in relation to a development application (DA) for local development lodged with Ku-ring-gai Council (DA No 321/03).

A Permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out the proposed works at Lot 1, DP 202690, 7A Dennis Avenue, Wahroonga.

Pursuant to Part 3A of the R&FI Act, the Department, having reviewed the documentation associated with the DA, proposes to grant an approval to DA 321/03 (with conditions). The Department's General Terms of Approval, for inclusion as conditions of consent are set out below:

17(B)(a) **General and Administrative Issues**

- 1. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the stream without the prior issue of a Part 3A permit by DIPNR.
- 2. Any Part 3A permit so issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance, have been satisfactorily completed in accordance with the permit conditions.
- 3. If, in the opinion of a DIPNR officer, any activity is being carried-out in such a manner that it may damage or detrimentally affect the stream, such activity shall cease immediately, and any restoration carried out, upon oral or written direction of such officer.

4. Work as executed survey plans of a standard acceptable to DIPNR shall be provided to DIPNR upon request.
5. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and as directed by DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.
6. Operations shall not cause damage or increase erosion of the adjacent stream bed or banks. The permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the stream bed or banks.
7. Any vegetation or other material removed from the area of operations shall be disposed of so that the material cannot be swept back into the stream during a flood.
8. When the works are to cease, DIPNR is to be notified in writing one month in advance of the cessation of the operation.

17(B)(b) Conditions Specific to DA

1. Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the 3A permit.
2. All works proposed must be designed, constructed and operated so they do not cause erosion, sedimentation, or increase flood levels in the watercourse, and do minimise adverse impacts on aquatic and riparian environments.
3. Work is to be carried out in accordance with drawings and any management plans required by these conditions, and approved by DIPNR, and which will accompany the 3A Permit.
4. Detailed designs and the location of proposed stormwater outlets and any necessary scour protection works are to be prepared and implemented by a person(s) with relevant knowledge, qualifications and experience. The stormwater outlet design must comply with the DIPNR guideline, *Stormwater Structures to Streams (Attachment A)* to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of the Part 3A Permit.
5. Any other services, utilities or infrastructure not shown on the submitted plans including unforeseen roads or other access,

cycleways, drainage works, crossings, communications, water, electricity or gas supply that involves excavations on "Protected Land" (as defined in the Rivers and Foreshores Improvement Act, 1948) or that may effect flows, are not to be implemented without the prior approval of DIPNR.

6. A *Soil and Water Management Plan* (S&WMP) for all site works is to be prepared by a person(s) with relevant knowledge, qualifications and experience in the preparation of such plans, in consultation with, and with the approval of DIPNR prior to the issue of the Part 3A Permit. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
7. A *Vegetation Management Plan* (VMP) is to be prepared a person(s) with relevant knowledge, qualifications and experience, in consultation with. and with the approval of, DIPNR prior to the issue of the Part 3A Permit in accordance with but not limited to DIPNR guidelines on *How to prepare a Vegetation Management Plan* (**Attachment B**). The VMP is to fully address all issues relating to the protection, establishment and maintenance of the riparian zone. Details must also be provided on the method, timing and cost of implementing the VMP, the decommissioning of any temporary soil and water management controls and the rehabilitation of the affected areas.
8. A riparian zone, consisting of local native plant species, is to be established along all watercourses on the site where they are adjacent to disturbed areas. The extent of the riparian zones required is as follows:
 - An average of 10 metres and minimum of 5 metres measured horizontally and at right angles to the flow from the top of the bank, on both sides of the creek within the property boundary.

The aim of establishing riparian zones is to create a continuous native vegetation corridor to ensure bed and bank stability and to mitigate any adverse impacts of the proposed development on the streams. The riparian zone is to be addressed in the *Vegetation Management Plan*, in consultation with, and with the approval of DIPNR.

9. The riparian zone is to consist of a diverse range of native plant species local to the area and is to be densely planted and fully structured (ie trees, shrubs and groundcovers). Trees and shrubs are to be planted at approximately equal numbers at an average density of one plant per square metre. Groundcover species are to be planted at

an average density of at least four plants per square metre in addition to trees and shrubs.

10. The area covered by the *Vegetation Management Plan* must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment,
11. As a pre-condition to the granting of the Part 3A Permit, cash or a bank guarantee from any bank licensed pursuant to the Banking Act 1959 (Cth) may be required to be provided in favour of DIPNR, for an amount equal to the cost of rehabilitation in accordance with the *Vegetation Management Plan*, required by condition 16 and subject to the approval of DIPNR. If a bank guarantee is to be provided it must be in the format of **Attachment C**. The moneys will be held until such time as the plan and any specified maintenance period are complete. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of restoration. DIPNR may at any time, and more than once and without notice to the Permit holder, demand all or part of the moneys available under the bank guarantee, if in its opinion, the Permit holder has failed at any time to meet the performance criteria set out in the Plan.
12. All erosion and sediment control measures are to be implemented and maintained, during the course of the works, and for as long as necessary after the completion of earthworks, to prevent sediment and dirty water entering the river system.

17(B)(c) **1.1.1. General Advice**

1. A Part 3A permit subject to conditions, will be issued for the proposed works upon application, and upon payment of the appropriate fee.
2. Permits are generally granted for a period of 12 months from the date of formal approval and renewable annually. Any application for renewal shall be lodged one month prior to the expiry date.
3. Three sets of drawings, consisting of plans, long sections, cross sections and detail drawings of the proposed works and any related works on or near the stream to the satisfaction of DIPNR, and all management plans referred to in the conditions, are to be provided to DIPNR to allow Part 3A permit preparation. Extra sets of documents are required if any other Authority has an approval role for the proposal.
4. Riparian zones of local native vegetation should be protected, maintained and enhanced wherever possible adjacent to all streams. These zones will provide habitat and corridor functions for native

flora and fauna. Existing native vegetation should be protected if at all possible, and exotic species progressively removed and replaced by local native tree, shrub and groundcover species.

5. The rehabilitation of the area in accordance with the permit requirements is the responsibility of the Permit holder and the owner or occupier of the land.
6. The Permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company at this site.
7. Any Part 3A Permit granted is not transferable to any other person or company without the written approval of DIPNR and does not authorise works at any other site.
8. Any Part 3A Permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
9. These General Terms of Approval are issued with the proviso that operations shall be carried-out on freehold land.- Should operations be on Crown Land, these General Terms of Approval are rendered null and void and the occupier of Crown Land should contact DIPNR's Crown Lands section.
10. Prior to granting a Part 3A permit, DIPNR requires full details on land ownership of all areas affected by the proposed works and authorisation for the works by the relevant landowner(s).
11. Should any of the 3A Permit conditions not be complied with. DIPNR may issue a Stop Order on 3A Permit related activities until the conditions have been satisfied.

179B)(d) **Attachments**

ATTACHMENT A

Stormwater Outlet Structures to Streams

(For pipes, culverts, drains and spillways — Version 1)

1. **Assess the site and determine constraints:** hydrology/hydraulics (channel and floodplain flood levels and velocities, water table, etc.); geomorphology (erosion, deposition, etc.); soils; geology; debris loads; contaminants; acid sulphate soils; salinity; roads/ pathways; archaeological/heritage; service infrastructure (water, sewerage, gas, electricity, communications); flora/fauna; public safety; etc.

2. **Define the route and specific point of discharge:** Address the identified, constraints. Select a route that avoids trees (preferably beyond their drip line), service infrastructure etc.. Choose a stable section of stream bank for the discharge point (preferably mid-way between bends).
3. **Address water quality and quantity issues:** Ensure that the quality of water discharging to the stream is good, and that discharge rates mimic “natural” flows (magnitude, seasonality, frequency, variability). Locate water quality improvement structures (oil/grease interceptors, sediment traps, litter traps, constructed wetlands, etc.) and detention basins outside the riparian zone.
4. **Define project tasks:** For each task necessary to complete the structure and to rehabilitate the site, identify how it will be done, its duration, its sequence and who will do it.
5. **Prepare an Erosion and Sediment Control Plan (ESCP):** The ESCP must be prepared by a person with qualifications, knowledge and experience in the preparation of such plans, and must be in accordance with the NSW Department of Housing’s publication Managing Urban Stormwater Soils and Construction (3rd Ed.) (1998). The ESCP must address staging, maintenance and contingencies and must ensure that during construction, storm events and storm flows down the drainage line and/or the stream will not cause erosion or sediment loss. Prior to commencing instream works, all materials, equipment and operators must be ready and works must be planned for a forecast dry weather period. Once commenced, works must be completed without delay. The ESCP must be implemented prior to the commencement of works. Disturbance to the stream channel must be kept to an absolute minimum.
6. **Describe site rehabilitation:** Prepare a Vegetation Management Plan (VMP) in accordance with the guideline How to Prepare a Vegetation Management Plan. Site rehabilitation is to cover all disturbed areas and, together with weed control and bush-regeneration, is to extend at least 10 metres from disturbed areas. Any bare areas remaining after construction are to have previously stored topsoil re-spread and the litter layer restored. Any imported topsoil must be weed free. Grass seed or turf used in riparian areas must consist of non-invasive species and not species such as Kikuyu or Rhodes Grass.
7. **Prepare a time frame (eg Gantt chart):** List all tasks, their sequence, duration and ownership.
8. **Design guidelines:**
 - outlet structure not to protrude beyond the stream bank and to align evenly with the bank
 - outlet structure outlet to be located at invert level of stream and to point downstream
 - avoid use of concrete headwalls - pipes/culverts to rest on, and be packed i by, rip-rap
 - scour apron to be rip-rap and a cut-off provided; flanks to be rip-rap and keyed in
 - scour protect the bed of the stream near the outlet if not bedrock and if scour is likely
 - scour protect the opposite bank as required (consider bank material and “jet” effect)

- calculate tractive stresses generated from outlet discharges and from bank full stream discharges to determine rock size requirements for the structure
 - rip-rap to consist of angular run-of-quarry durable rock placed over a 200mm layer of 140mm median size angular cobbles over geotextile - all rock and cobbles to be packed with topsoil - gaps in rip-rap to be planted with local native sedges and rushes (cross-reference in VMP')
 - if salinity is an issue, ensure pipe/culvert specifications conform with Australian standards
 - stockpile excavated litter layer, topsoil and subsoil separately for site rehabilitation
9. **Prepare drawings:** Prepare concept sketches for DIP'NR review. Final drawings to consist of Plan, Long Section, Cross-Section and detail drawings as required. Include a scale bar on all drawings.
 10. **Address other issues:** Signage, relevant legislation, planning instruments/guidelines, OH&S, liaison with DIPNR and others (Council, NSW Fisheries, etc.).
 11. **Prepare a costing:** Cost out the implementation of all stages and all components of the work show details on the cost of materials and labour. Site rehabilitation costs can be addressed in the VMP.
 12. **Prepare a brief and concise report:** Report on all of the above.

Note: Riparian zone width requirements are a minimum of 20m either side of a small stream, and a greater width for large streams. The riparian zone is required to aid the physical stability of the stream, to improve water quality and to provide habitat and biological connectivity values.

ATTACHMENT B

How to Prepare a Vegetation Management Plan

(Version 4)

1. **Assess the site and determine constraints:** flora and fauna (previous studies, endangered species & ecological communities/existing vegetation communities, etc.); habitat and corridor values; topsoil/litter layer quality; hydrology/hydraulics (flooding, surface water runoff/drainage, velocities, water table, etc.); frost areas; fire issues; contaminants; acid sulphate soils; salinity, roads and pathways, railways, airfields, service infrastructure (water, sewerage, gas, electricity, communications); stock and herbivore access (rabbits, hares, ducks, etc.); shadow zones; drainage; topography (slope, aspect, soils, geology, erosion, deposition); weeds and weed sources, risk of vandalism, public safety issues, etc.
2. **Define project tasks:** Describe each task necessary for the implementation of the plan, how each task will be done, the duration of each task, the priority order for each task and who will be responsible for undertaking each task.
3. **Prepare a time frame (eg Gantt chart):** Address all tasks in the project.
4. **Liaise:** contact Council Bushcare Officer, landcare or bushcare groups.

5. **Provide details on seed collection and propagation:** Local native species only to be used - identify local native seed sources, check on any licences required - identify who will propagate.
6. **Prepare maps/diagrams and plant species lists:** Describe existing vegetation, constraints, vegetation and natural features to be retained, proposed vegetation (species/communities, zonation from water to land, corridors/linkages, spacings, tubestock/virocells/long stems/direct seeding, etc.), sediment and erosion control, stabilisation works, etc.
7. **Provide details on site preparation:**
 - protection of plants to be retained
 - installation of sediment and erosion control devices
 - completion of any site works (if any)
 - weed control (techniques and sequences of removal)
 - application of herbicides
 - topsoil/litter layer storage
 - soil remediation
 - surface preparation (leveling, deep ripping, scarifying, mulching etc.)
 - surface stabilisation - (needs to be suitable for the site/vegetation brushmatting, sterile cover crops, binding sprays, etc.)
 - site drainage
8. **Describe the planting program and method:** Detail how it will be done, staging and also consider the installation of weed mats, mulch, stakes & ties, tree guards and the use of fertiliser types justify their need), water-retaining crystals, etc.
9. **Describe site and vegetation maintenance:** Sediment and erosion control, watering, replacement of plant losses, weed control, disease and insect control, mulch, etc. (Note: DIPNR requires a minimum of two years maintenance after last plantings completed).
10. **Describe the monitoring and review process:** Include a method of performance evaluation, assessing the need for replacing plant losses, addressing deficiencies and six-monthly reporting.
11. **Address other issues:** Signage, relevant legislation, planning instruments/guidelines, OH&S, community involvement, liaison with DIPNR and others, how other parts of the site and adjacent areas can be managed to compliment the vegetation strategy (weed control, drainage, etc.), etc.
12. **Prepare a costing:** For the implementation of all stages and all components of the work - show details on unit cost, materials, labour, monitoring/maintenance/reporting, etc.

ATTACHMENT C

SECURITY DEPOSIT

SECTION 22C(2) RIVER AND FORESHORES IMPROVEMENT ACT 1948

TO: WATER ADMINISTRATION MINISTERIAL CORPORATION
 WHEREAS the WATER ADMINISTRATION MINISTERIAL CORPORATION a corporation constituted pursuant to the

Water Management Act, 2000 (hereinafter called “the Corporation”) has received an application for a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (hereinafter called the “Act”), from

Insert name and address of Applicant

(hereinafter called “the Applicant”) for the Carrying out of work comprising

Insert details of work including File No.

(hereinafter called “the Permit”) AND WHEREAS pursuant to section 22C(2) of the Act, as a pre-condition to the grant of the Permit, the Corporation has required the Applicant to give to the Corporation security for the due performance of the Applicant’s obligations under and in connection with the Permit for the amount of

Insert sum in words

NOW THESE PRESENTS WITNESS that at the request of the Applicant and in consideration of the Corporation at the request of

Insert name of Surety

(hereinafter called “the Surety”) which latter request is hereby testified, accepting this undertaking for the purpose of the said security the Surety unconditionally undertakes from the date of the grant of the Permit to pay to the Corporation such sum or sums of money not exceeding

Insert sum in words

in the aggregate at any time upon demand or demands therefore being made by the Corporation.

The Surety undertakes to hold itself responsible to the said sum until a notification has been received from the Corporation that the said sum is no longer required by the Corporation or until payment is made by the Surety to the Corporation of the whole of the said sum in accordance with the provisions hereof.

Should the Corporation notify the Surety that it desires payment to be made to it of the whole or any part of the said sum the Surety unconditionally agrees that such payment or payments will be made to the Corporation forthwith without reference to the Applicant for instruction and notwithstanding the fact that notice may have been given by the Applicant to the Surety not to pay same.

Insert sum in words

The Surety reserves the right to terminate its liability hereunder at any time upon payment to the Corporation of the said sum of

Insert sum in words

No variation or revocation of the said Permit or the conditions of the Permit or concession or indulgence granted by the Corporation to the Applicant in respect of its performance of the Applicant's obligations under and in connection with the said Permit or any waiver of or exercise of any of the Corporation's rights under the Act shall have the effect of altering the Surety's obligation hereunder notwithstanding the fact that such variation, revocation, concession, indulgence or waiver or exercise is not brought to the notice of the Surety.

Dated at xxxxxxxx the xxxxxxxx day of 2

Signatories to be identified and their capacities shown. In the case of Power of Attorney, declaration or non-revocation is to be made,

Duty stamp is to be affixed
and cancelled

-
18. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Occupation or Certificate. Application may be made to Energy Australia Phone No 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
 19. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
 20. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
 21. An energy assessment is to be submitted for the new dwelling achieving as a minimum a NatHERS rating of 3.5 stars. Thermal insulation is to be provided to the roofs, walls and ceilings of the new works.
 22. The southern end of the balcony above the new garage to the existing dwelling is to be provided with a suitable privacy screen 1500mm high to the satisfaction of the Principle Certifying Authority.
 23. West facing windows shall be provided with adequate shading devices (details to be provided prior to the issue of the Construction Certificate).

24. Adequate lighting is to be provided to all paths, accessways, parking areas and building entries so as to enhance amenity and security around dual occupancy dwellings. Refer to Clause 4.6.3 of Council's Dual Occupancy Code.
25. Locks are to be installed on all windows and doors, with chains and viewers to be installed on all front doors. Where security grills are fitted, they are to be sympathetic to the architectural style of the dwelling and not to restrict surveillance.
26. All new bathrooms and toilets must be provided with maximum 6/3 litre dual flush cisterns and showerheads with reduced water flow devices.
27. The development shall comply with the requirements of DCP 40 and Policy for Construction and Demolition Waste Management.
28. All stormwater and sediment control shall be undertaken in accordance with the requirements of Council's Draft Water Management Plan (DCP 47).
29. 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.
30. 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.
31. Separate written approval under Council's Tree Preservation Order is required prior to the removal of the following trees within the subject property:

Tree/Location
T231 - *Eucalyptus saligna* (Sydney Blue Gum) / Between Dwelling 2 and the northern boundary.

The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
32. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
33. 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.

34. 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.
35. 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.
36. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Acer negundo (Box Elder)
Ageratina adenophora (Crofton Weed)
Araujia hortorum (Moth Vine)
Asparagus densiflorus (Asparagus Fern)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Impatiens balsamina (Impatiens)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Setaria palmifolia (Palm Grass)
Tradescantia albiflora (Wandering Jew)

37. 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.
38. For stormwater control all paved areas are to be drained to the main drainage system.
39. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the watercourse within the site. A headwall and energy dissipater structure shall be constructed at the discharge point. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and

vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.

40. A pit is to be constructed just upstream of the headwall to the watercourse. This is to be constructed so that the “inflow and outflow” pipes do not line up. In this way the pit will act as an energy dissipater.
41. The headwall structure at the watercourse is to be solidly constructed from mortared sandstone bushrock such that it has a low impact on local landscape and vegetation and does not impede flows along the watercourse nor will lead to ongoing erosion of the watercourse.
42. A pit is to be constructed just upstream of the headwall to the watercourse. This is to be constructed so that the “inflow and outflow” pipes do not line up. In this way the pit will act as an energy dissipater
43. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council’s Stormwater Management Manual.

OSD systems are to be provided for both residences.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

44. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist’s certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council’s Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council’s requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the

detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

45. During construction of the crossing the contractor is to make provision for safety of pedestrians and passing vehicles. As a minimum traffic control measures must be provided in accordance with Figure 1 “Closing a footpath”, (being on Page 20 & 21), of SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1.

The traffic management measures shall be implemented prior to the commencement of any works on-site including excavation.

46. The Design and construction of works in the accessway including two passing bays and the widening of the crossing and first section of accessway all to the satisfaction of Council’s Development Engineer. Plans are to be prepared by a suitably qualified and experienced consulting engineer or surveyor in accordance with the requirements of Council’s standards and specifications.

In this regard details are to be shown as to how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council’s requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

47. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the effected services.
48. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
49. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.

50. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
51. The dual occupancy development approved under this determination, is to be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
52. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.

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

53. Submission of a copy of the Part 3A Permit issued by the Department of Infrastructure, Planning and Natural Resources for the proposed works.

Please note that the General Terms of Approval referred to earlier in these conditions is not the actual permit. The applicant must obtain and complete to the satisfaction of the Department an application for a Part 3A Permit after any consent has been issued by the Council and before the commencement of works.

54. 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.
55. 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).

56. 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.
57. 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.
58. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
59. 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 ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. 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 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Wahroonga	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

60. 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.

61. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

The amended landscape plan shall include the following information:

- the amended footprint for Dwelling 2 at a minimum distance of 6 metres from the watercourse,
- the entire site is to be managed as an Inner Protection Area as outlined within Planning for Bushfire Protection 2001.
- the riparian zone, between the upper embankments of the watercourse, is not to be disturbed except for the hand removal of noxious plants and weeds, and all species planted shall be derived from the Blue Gum High Forest assemblage of vascular plants to replicate a local watercourse environment,
- at least 20% of tree and shrub plantings for the site shall be derived from the Blue Gum High Forest assemblage of vascular plants as the site is located more than 300 metres from a bushland reserve.
- screen planting that will attain 5 - 7 metres height shall be established between the new dwelling and the northern boundary using species selected from the following list:

Acmena smithii 'Minor'
Notolaea longifolia
Syzygium luehmannii

62. To preserve the 2 *Murraya paniculata* (Orange Jessamine) located adjacent to the western boundary of the access handle and close to its front boundary, widening of the driveway shall be carried out on the eastern side.
63. A CASH BOND/BANK GUARANTEE of \$2000.00 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 this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to

make all arrangements regarding transference of the bond and to notify Council of such.

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

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

65. To preserve the following trees the turning bay shall be constructed as a suspended platform on isolated piers or on retained fill not extending beyond its footprint. A safety kerb and rail shall be included at the perimeter edge of the turning bay. Details of the structure shall be submitted to Council prior to the release of the Construction Certificate:

T122 - *Eucalyptus saligna* (Sydney Blue Gum) / Close to the southeastern corner of the turning bay site.

T124 - *Eucalyptus saligna* (Sydney Blue Gum) / Close to the southwestern corner of the turning bay site.

66. The drainage concept design, by AFCE Drawing No 333287, sheets 1 & 2 dated April 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:-
- i) The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - ii) Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - iii) Where OSD storage is by way of underground storage, inflow pipes, to the storage chamber, are to be located below inspection grates.
 - iv) Trees to be retained are to be drawn to scale.
 - v) Drainage design details are to be compatible with the landscaping plans.
 - vi) Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the approval of Council's landscape officer, can the Construction Certificate be issued.
 - vii) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 X 900

67. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.
68. A guardrail barrier is to be provided where the drop from the edge of the driveway is greater than 200mm or where the grade from the edge of the driveway exceeds 25%. Details are to be provided and approved by Council prior to release of the Construction Certificate.
69. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.
70. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for

approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

71. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
72. For any new crossing or driveway works adjacent to the boundary the following will apply.

DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note: 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.

73. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater - Soils and Construction" (1998) by a

suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

74. The applicant is to included with the Construction Certificate details and plans of the works below. These details and plans are to be prepared by a professional Engineer. All of the items are to be designed in accordance with current Council specifications and practice.
75. The design and works are to be at the full cost of the applicant. The details and plans of the works are to be submitted to the PCA and approved prior to the issue of the Construction Certificate. The works are:
 - a. Two passing bays on the existing accessway are to be constructed. The passing bay is to be 5.5m wide by 6.0m long. At each end of the passing bay a 3.0m transition is to be provided. Where 5.5 m is not available, then the width shall be limited to the width of the existing handle.
 - b. Widen the accessway to 4.0m along the tight curve adjacent to the new dwelling.
 - c. Construction of a new widened crossing a minimum width of 6.00 metres between the kerb alignment and the property boundary.
76. The designing engineer is to certify the structural adequacy of the design, and that the existing driveway and passing bays, and any retaining walls, are structurally adequate for design vehicles up to a fully laden concrete truck.
- 76A. The roof tiles to the new residence are to be of dark colouring in order to harmonise with the character of surrounding properties. Details are to be submitted prior to issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

77. 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.
78. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
79. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
80. 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
T200 - <i>Eucalyptus sp.</i> (Gum) Close to the western side of the garage for Dwelling 1.	3 metres
T128 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the inside bend of the driveway and turning bay.	3 metres
T206 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Midway down the watercourse embankment.	Fence off along the top edge of the watercourse embankment.

81. 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
T182 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Near the southeastern corner of the garage for Dwelling 1.	4 metres
T183 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Between T182 and the turning bay.	4 metres

82. 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.
83. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

84. Works to be constructed and certified.
85. The construction of all engineering works, not limited to but including:

- a. Two passing bays on the existing accessway to be constructed. The passing bay is to be 5.5m wide by 6.0m long. At each end of the passing bay a 3.0m transition is to be provided.
 - b. Construction of a new widened crossing a minimum width of 6.00 metres between the kerb alignment and the property boundary.
 - c. Widen the accessway to 4.0m along the tight curve adjacent to the new dwelling.
86. Prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.
87. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. 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 drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

88. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit

Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- Invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

89. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
90. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
91. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Where the provided OSD is not a separate system for each Dwelling, the 88B instrument is to be created so that it clearly defines; both lots, each have 50% responsibility for "upkeep and maintenance" of system.

Council to be the authority to release vary or modify.

92. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.

93. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

94. 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.
95. 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.
96. The creation of 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 riparian zone on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instrument are to be generally in accordance with the conditions imposed by the Department of Infrastructure, Planning and Natural Resources.

BUILDING CONDITIONS

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

- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
98. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
99. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

100. 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.
101. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
102. 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.
103. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- | | | |
|-----------------|---------------|---------------|
| Risers: | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
104. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwellings 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.

105. 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.

106. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - d. A Compliance Certificate from a suitably qualified person that the proposed works complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - e. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - f. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.
- B. That a copy of Council's determination in this matter be forwarded to the Department of Infrastructure, Planning and Natural Resources.

CARRIED UNANIMOUSLY

256 **Tender for Council's Insurance**

File: S03252

For Council to appoint an insurance broker and approve the placement of insurance cover for a five year period commencing 1 July 2004.

**Council adjourned to the Anteroom for a short interval
to discuss the matter with the Press and Public excluded, after a
motion moved by Councillors Shelley and Hall
was CARRIED**

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council appoint Jardine Lloyd Thompson Pty Ltd as its Insurance Broker for a period of five (5) years commencing 1 July 2004.
- B. That Council accept the quotations for the placement of insurance cover as set out in Jardine Lloyd Thompson's tender submission.
- C. That Council, at its absolute discretion, extend the term for a maximum of two years on the same terms and conditions.
- D. That the Seal of Council be affixed to relevant documents.
- E. That both tenderers be notified of Council's decision.

CARRIED UNANIMOUSLY

257 2003 to 2007 Management Plan, 3rd Quarter Review as at 31 March 2004

File: S02394

To report to Council on the progress made towards achieving Key Performance Indicators as contained in Council's 2003-2007 Management Plan.

Resolved:

(Moved: Councillors Bennett/Andrew)

- A. That Council note that the following KPI's which are listed as deferred are "Not Achieved":
 - Accountability, Action 2, KPI's 1,2 and 3.
 - Consistent Decision-Making Action 4, KPI's 1, 2 and 5
 - Built Environment Action 1, KPI 2
 - Regulation of Development Action 1, KPI 1 and 2
 - Preparation of Heritage DCP Action 1 KPI's 1-5

- B. That a report be brought to Council when the draft Budget comes off exhibition on the resources and data necessary to ensure implementation of KPI 2, Action 2 and KPI 3, Action 5, in Regulation of Development.

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

Against the Resolution: *Councillors Hall and Lane*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

258

Inspection of Canoon Road in conjunction with Corridor Lands Rezoning Inspection

File: S02846

Notice of Motion from Councillor E Malicki dated 11 May 2004.

There is an unfulfilled Council resolution for Councillors to inspect the B2 corridor lands in South Turramurra and Wahroonga in conjunction with the proposal to rezone these lands.

Therefore I move:

That this inspection take place on a Saturday morning during the current netball season so that Council can observe also the impacts of netball traffic on the people of Canoon Road, and South Turramurra as a whole, as well as the additional impact of an increase in population due to the rezoning.

Resolved:

(Moved: Councillors Andrew/Shelley)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

The Meeting closed at 8.34pm

The Minutes of the Ordinary Meeting of Council held on 25 May 2004 (Pages 1 - 85) were confirmed as a full and accurate record of proceedings on 1 June 2004.

General Manager

Mayor / Chairperson