

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 26 SEPTEMBER 2006

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

Staff Present: General Manager (John McKee)
Acting Director Finance & Business (John Clark)
Director Development & Regulation (Michael Miocic)
Team Leader - Development Assessment Team - North (Mark Leotta)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Heritage Planner (Louise O'Flynn)
Acting Director Community Services (Danny Houseas)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

Councillor Bennett declared a conflict of interest in item GB.5 - 1 to 9 Woniora Avenue, Wahroonga - Amend Condition 92 to allow Concrete Delivery Trucks during School Drop Off & Pick Up Times (son attended Wahroonga Preparatory School).

Councillor Shelley declared a possible conflict of interest in item GB.9 - 2006 Financial Assistance Grants to Community Groups (daughter is a member of the Roseville Cub Group).

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

File: S02499

Resolved:

(Moved: Councillors Cross/Lane)

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

C.1 Purchase of 102 Rosedale Road, St Ives - (Section 10A(2)(c) - Information that would confer a commercial advantage)

Report by Director Open Space & Planning dated 19 September 2006.

CARRIED UNANIMOUSLY

PRESENTATION OF KU-RING-GAI HISTORY WEEK 2006 PHOTO COMPETITION AWARDS

Mayor, Councillor Ebbeck & Deputy Mayor, Councillor Andrew presented the 2006 Photo Competition Awards.

ADDRESS THE COUNCIL

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

K Daniel
H Whitsed
R Magee

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: Mayoral Minute - VALE Douglas McDonald

Refer GB.9 - 2006 Financial Assistance Grants to Community Groups - Memorandum & amended Report by Acting Director Community Services dated 25 September 2006

Refer GB.17 - Lindfield Centre - Draft Built Form Controls for Precinct F (Drovers Way/Beaconsfield Parade/Gladstone Parade) & Precinct P (Wolseley Road/Treatts Road/Railway) - Report & attachments by Director Open Space & Planning dated 18 September 2006.

Memos: Refer GB.1 - Roseville Centre - Precinct H Revised Zoning Controls - Memorandum by Manager Urban Planning dated 21 September 2006

Refer GB.4 - 212 to 216 Mona Vale Road, St Ives - Memorandum by Director Development & Regulation dated 26 September 2006

CONFIRMATION OF MINUTES

360 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 12 September 2006
Minutes numbered 339 to 358

Resolved:

(Moved: Councillors Hall/Ryan)

That Minutes numbered 339 to 358 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

361 **VALE Douglas McDonald**

File: S04813

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of Douglas William McDonald, who passed away on the 10th of September aged 85.

Douglas was a long-time Lindfield resident and served as an alderman on Council between 1972 and 1980, firstly representing Roseville ward and later Gordon ward.

He served with distinction in the Second World War as a member of the Australian merchant marine. Sailing in Operation Pedestal, his ship was sunk and he spent eight days on a raft in the Coral Sea as the sole survivor.

Douglas is known to many in our community for his keen interest in local government and Council affairs. He was a member of Council's finance committee and was highly regarded as an alderman who stood up for his local community and campaigned for better local facilities.

On behalf of Council, I offer Council's sincere condolences to Douglas's wife Beatrice and family.

Resolved:

- A. That the Mayoral Minute be received and noted.
- B. That we stand for a minute's silence to pay respects to the life of Douglas McDonald.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

362 **42A & 50 Hastings Road, Warrawee - SEPP (Seniors Living) Development**

File: DA0011/06

Ward: Wahroonga

Applicant: Mr D Sutton (Winter Group Architects)

Owner: Mr J Laws

To determine Development Application No 11/06 which seeks consent for the demolition of an existing dwelling and a detached garage and construction of 6 new dwellings to constitute total of 7 SEPP (Seniors Living) dwellings.

Resolved:

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

- A. That consideration of DA 0011/06 at 42A & 50 Hastings Road, Warrawee be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

363 **212 to 216 Mona Vale Road, St Ives - Demolition of 3 Dwelling Houses & Construction of a Residential Flat Building Comprising 52 Units, Basement Car Parking for 99 Vehicles & Associated Landscaping & Drainage**

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File: DA0338/06

Ward: St Ives

Applicant: Mr Angus Hislop, c/- Glendinning Minto & Associates Pty Ltd

Owner: Mvrsi Pty Limited

To determine development application No 338/06, which seeks consent for the demolition of 3 dwelling houses and construction of a residential flat building, comprising 52 units and basement car parking for 105 vehicles.

Resolved:

(Moved: Councillors Bennett/Hall)

- A. That consideration of DA0338/06 at 212 to 216 Mona Vale Road, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

364 **Delegation of Authority - Mayor & Deputy Mayor**

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File: S02017

For Council to give consideration to granting Delegations of Authority to Mayor and Deputy Mayor.

Resolved:

(Moved: Councillors Shelley/Malicki)

That the Delegations of Authority as set out in Attachment 'A' be granted to the Mayor, Councillor N Ebbeck and to the Deputy Mayor, Councillor A Andrew as set out in Attachment 'B'.

CARRIED UNANIMOUSLY

365

2006 Financial Assistance Grants to Community Groups

File: S03000

To advise Council of applications received from community groups for financial assistance in 2006, and to recommend to Council subsequent funding allocations.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That the community and cultural groups as listed receive financial assistance from Council in 2006.

Community and Cultural Groups	Amount Recommended \$
18th Australian Infantry Battalion (Ku-ring-gai Regiment)	250
1st Cromehurst Scout Group	1,000
1st Lindfield Scout Group	1,000
Albert Drive Community Fire Unit	306
Australian Breastfeeding Association (ABA) — Turramurra Group	1,740
Babybumps Support Group (previously POSIE)	2,000
Boonah Creative Arts Centre, Centacare	1,870
Community Fire Unit No. 33	1,952
Community Friendship Group 'Cooinda'	1,000
Computer Pals for Seniors (Ku-ring-gai) Inc	438
Constant Companion Service	1,635
Cromehurst Special School P & C Vacation Activity Centre	2,500
Dial-A-Mum Inc	500
East Lindfield Community Pre-school	991
Easy Care Gardening Inc	1,830
English at Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	2,090
Hornsby District TPI Social & Welfare Club	300
Hornsby Ku-ring-gal & Hills Multiple Births Association	1,140
Hornsby Ku-ring-gai Association, Action for Mental Health Inc	1,000
Hornsby Ku-ring-gai Domestic Violence Network	3,000
Hornsby/Ku-ring-gai Police & Community Youth Club	1,000
House with No Steps	1,000
Killara High School (Duke of Edinburgh Award Scheme)	1,000
Killara Scout Group	1,000
KU Killara Park Pre school	600
KU Saddington Street Pre School	1,460
KU St Ives Barra Brui Pre-School	1,500
KU Wahroonga Pre-School	1,250
Ku-ring-gai Art Society Inc	1,000
Ku-ring-gai Bush Fire Brigade	2,500
Ku-ring-gai Combined Churches - Ignite the Flame Festival	2,000
Ku-ring-gai Combined Churches Carols in the Park	9,500
Ku-ring-gai Family Support Service	1,000
Ku-ring-gai Historical Society Inc	1,098
Ku-ring-gai Little Athletics Inc	1,050
Ku-ring-gai Male Choir Inc	1,300
Ku-ring-gai Neighbourhood Centre Inc	2,200
Ku-ring-gai Philharmonic Orchestra	7,500
Ku-ring-gai Youth Development Service (KYDS)	5,000
Lady Game Community Kindergarten	820

Lifestart Cooperative (Early Intervention Services - School Aged)	1,000
Lindfield Montessori Preschool	1,692
Lindfield V.I.P. Support Group (Visually Impaired)	600
Marian Street Theatre for Young People (MSTYP)	900
Mercy Community Care	3,000
Migrant Network Services (Northern Sydney) Ltd	1,000
Montessori Excelsior School	945
North Turramurra Church of Christ Youth Group	300
Northside Church	1,000
Northside Opera Study Group Inc.	1,779
Parkinson's NSW Inc - Homsby Ku-ring-gai Support Group	1,000
Probus Club of Warrawee (Inc)	350
Pymble Turramurra Kindergarten	431
Rainbow Club Australia Inc/The Lindfield Rainbow Club	387
Recreation Rendezvous Inc	1,500
Roseville P & C Kids Care Association	2,000
Roseville Scout Group	1,000
Ryde Argyle Performing Arts Inc. (RAPA)	2,000
Serenity NSW Inc	1,000
SHHH Australia Inc	900
South Turramurra Community Fire Unit MHP-39	988
St Ives Occasional Care Inc	2,040
St Ives Pre-school Kindergarten	940
Studio Artes Northside Inc.	1,300
Technical Aid to the Disabled (TAD) NSW	1,220
The Local Handcraft Association (LHA)	720
University of the Third Age (U3A) - Upper North Region	1,300
Vision Australia, (formerly Royal Blind Society)	1,230
Warrawee Public School P&C Association	1,500
Winchester & Lyle Avenues CFU	694

TOTAL 105,036

- B. That all groups receiving a grant, advise Council by 31 May 2007 how the grant was spent.
- C. That those groups recommended for financial assistance from Council receive the cheques personally from the Mayor at a future Council meeting.

CARRIED UNANIMOUSLY

366

Northern Sydney Aboriginal Social Plan 2006 to 2010

File: S02581

To present to Council the draft Northern Sydney Aboriginal Social Plan 2006-2010 and seek Council's approval to place the Plan on public exhibition.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That the draft Northern Sydney Aboriginal Social Plan 2006-2010 be placed on public exhibition for a period of 28 days and then reported back to Council.
- B. That Council receive a further report on the Northern Sydney Aboriginal Social Plan 2006-2010 after the Northern Sydney councils have completed their comment and community input period.

CARRIED UNANIMOUSLY

367 **Variation to Existing Offset Loan**

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File: S02722

To present to Council a proposal to vary an existing offset loan facility at its next rollover date.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That Council accept the terms of the two variable loans as outlined in the report.
- B. That the General Manager and Acting Director of Finance and Business be delegated to authorise all relevant documentation in relation to the establishment of the two variable loans and the repayment of the existing offset loans.

CARRIED UNANIMOUSLY

368 **Investment Cash Flow & Loan Liability as at 31 August 2006**

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File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for August 2006.

Resolved:

(Moved: Councillors Shelley/Anderson)

That the summary of investments, daily cash flows and loan liability for August 2006 is received and noted.

CARRIED UNANIMOUSLY

369 **Business Centres Improvement Program**

File: S02962

To seek Council's endorsement of the Business Centres Improvement Program for 2006 to 2009.

Resolved:

(Moved: Councillors Shelley/Lane)

That Council adopts the 2006 to 2009 Business Centres Improvement Program as attached to the report.

CARRIED UNANIMOUSLY

370 **Open Space Grass Mowing Services - Preferred Tenderers**

File: S02977

For Council to consider the appointment of preferred contractors to deliver grass mowing services for Northside and Southside Location Description Schedule areas of our local government area.

Resolved:

(Moved: Councillors Malicki/Cross)

- A. That the Green Horticultural Group be identified as the preferred tenderer to provide grass mowing services for the Northside Location Description Schedule for a period of up to five years and Envirolands Landscape Contractors be identified as the preferred tenderer to provide grass mowing services for the Southside Location Description Schedule for a period of up to five years.
- B. That all tenderers be advised of Council's decision.
- C. That the Mayor and General Manager execute all relevant documents and the common seal of Council be affixed to all documentation.

CARRIED UNANIMOUSLY

Standing Orders were suspended to deal with items where there are speakers first after a Motion moved by Councillors Anderson & Malicki was CARRIED UNANIMOUSLY

371 **Roseville Centre - Precinct H Revised Zoning Controls**

File: S04365

The following members of the public addressed Council:

D Howard

P Wilkinson

To have Council consider and adopt the revised draft planning controls under the Roseville Centre plans for "Precinct H" being the area between Hill Street, Oliver Road and Roseville Avenue, Roseville.

Resolved:

(Moved: Councillors Anderson/Shelley)

- A. That Precinct H in the Roseville Centre be exhibited in the Draft Ku-ring-gai (Town Centres) Local Environmental Plan - Amendment No 3 (as adopted by Council on 22 August 2006) within R4 Residential High Density with a maximum floor space ratio of 1.3:1 and maximum height of 5 storeys.
- B. That Council officers develop site-specific controls for Precinct H within the next six months.
- C. That the exhibition be undertaken subject to legal advice, from Counsel if possible in the time frame, confirming the validity of the Minister's direction.

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

Against the Resolution: Councillor Ryan

372

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

File: DA0039/06

Ward: Roseville

Applicant: Charleston Homes Pty Ltd

Owners: Mrs F M De Zwarts & Mr J M De Zwarts

The following members of the public addressed Council:

B Borg

F De Zwarts

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

Resolved:

(Moved: Councillors Andrew/Lane)

- A. That consideration of the matter be deferred to allow staff to assess the two options for change to make the building more compliant.
- B. In the case that an acceptable outcome for Council is not reached by October 4th, 2006 that delegation be provided to the Director Development & Regulation to refuse the application.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Bennett, Hall, Lane & Malicki*

Against the Resolution: Councillors Cross, Ryan, Shelley & Anderson

*The voting being EQUAL, the Mayor exercised his Casting Vote
IN FAVOUR of the Motion*

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

(Moved: Councillors Shelley/Anderson)

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

*THAT the Council, as the consent authority, grant development consent to DA
39/06 for the construction of a two storey dwelling on land at 8 Squadron Court,*

West Lindfield, 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 39/06 and Development Application plans prepared by Charleston Homes, reference number Sheet 2 - Sheet 7, dated 14 May 2006, Sheet 8, dated 16 May 2006 and lodged with Council on 6 June 2006, except where amended by the following conditions:*
- 2. All building works shall comply with the Building Code of Australia.*
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.*
- 4. Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material.*
- 5. The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.*
- 6. Openable windows shall be screened with non corrosive mesh max aperture 1.8mm that remains in place while the window is open to prevent the entry of wind blown embers.*
- 7. External doors shall be filled with draught excluders and tight fitting door screens filled with non corrosive mesh max aperture 1.8mm to prevent the entry of wind blown embers.*
- 8. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.*
- 9. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system and generally in accordance with the submitted concept drainage plans by John Cavasinni & Associates (refer Drawing No. 0632SW, Amendment B, dated 26/6/2006). New drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a Road Opening Permit for excavating in the road reserve.*
- 10. A mandatory rainwater/stormwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the*

rainwater/stormwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).

- 11. In addition to the mandatory rainwater/stormwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.*
- 12. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.*
- 13. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized grates is to be located **within** the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.*
- 14. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.*
- 15. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when*

*and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002) "Traffic Control Devices for Work on Roads". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.***

16. *The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.*
17. *Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".*
18. *During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.*
19. *No loadings shall be imposed to utilities within any easement and no part of any structure shall encroach over any easement unless approved by the owner(s) appurtenant to the burden. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant's full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.*

20. *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.*
21. *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.*
22. *The driveway must be paved with a porous material to minimise stormwater runoff.*
23. *The development is to comply with the commitments in BASIX certificate 76049S.*
24. *The development is to be consistent with the External Colour Schedule prepared by Charleston Homes, dated 6 December 2005 and lodged with Council on 17 January 2006.*
25. *To ensure privacy and minimise overlooking external windows to bathrooms and ensuites are to be of obscured glass.*
26. *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.*
27. *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.*
28. *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.*
29. *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.*
30. *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.

31. *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.*
32. *A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.*
33. *All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.*
34. *The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.*
35. *All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.*

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

36. *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.*
37. *If the work involved in the erection or demolition of a building:*
 - a. *is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or*
 - b. *building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

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

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

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

38. *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.*
39. *The retaining walls and footings shall be constructed entirely within the boundaries of the property.*
40. *For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.*
41. *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.*
42. *The proposed future swimming pool is not approved under this application, neither has any consideration been given to the suitability or otherwise of its location as shown. Separate application is to be made for this purpose at the appropriate time.*
43. *Access to sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.*

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

44. *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.

45. *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).

46. *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.*
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 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.*

48. *To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.*
49. *Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.*

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

50. *Prior to the issue of the Construction Certificate, a longitudinal driveway section design is to be prepared by a suitably qualified and experienced civil/traffic engineer and provided for approval by the Principal Certifying Authority. These profiles are to be at a recognised scale along the shortest edge of the proposed driveway, starting from the centreline of the frontage street carriageway through to the proposed parking stand. The traffic engineer must provide specific written certification on the plans that:*
- *All changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" – 2004 (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.*
 - *Maximum gradient of driveway does not exceed 25% (1 in 4).*

*If a new driveway crossing is proposed in the road reserve, the longitudinal sections at the boundary **must incorporate the driveway crossing levels issued by Council** upon prior application.*

51. *Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:*
- *Exact location and reduced level of discharge point to the public drainage system.*
 - *Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).*
 - *Location(s), dimensions and specifications for the required rainwater/stormwater storage and reuse tank systems. Where proprietary products are to be used, manufacturer specifications and details must be provided.*
 - *Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise stormwater/rainwater in accordance with the BASIX commitments.*
 - *Details of the required on-site detention system required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 for volume, PSD and design requirements).*

The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the BCA. The plans may be generally based upon the concept drainage plans by John Cavasinni & Associates (refer Drawing No. 0632SW, Amendment B, dated 26/6/2006) submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

52. *An amended plan of the proposed landscape works consistent with the landscape plan 2060415, prepared by Urban & Rural Design, dated 15/05/07, subject to the amendments as specified shall be submitted to, and approved by, the Principal Certifying Authority prior to the release of*

the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- *Additional screen planting capable of 4.0m in height in separated groupings be added adjacent to the proposed garage and southern side of proposed dwelling, to the rear south and western boundary and to the northern boundary.*
- *Planting in front of the front retaining wall to be capable of a minimum of 1.0m in height, suitable for local conditions and spaced at a minimum of 0.5m centres be specified on the plan.*
- *At least 4 of the required canopy trees are to be selected from locally occurring species such as Angophora costata, Corymbia gummifera.*
- *Magnolia grandiflora and Podarcopus elatus are not considered a canopy tree suitable for the local conditions of this site, and should be substituted with locally occurring native species.*
- *At least 25% of the overall number of trees and shrubs are to be selected from the Sydney Sandstone Ridge Top vegetative Community*
- *The canopy tree proposed adjacent to the utility area is considered to be too close to the dwelling and shall be relocated to a more suitable position on site such as to northern side boundary forward of the proposed dwelling.*

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

53. *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.*
54. *The following are required details and must be submitted to the Principal Certifying Authority prior to the works relating to the detail being carried out. 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. *A Registered Surveyor's set out report.*
55. *Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public*

infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between the opposite kerb
- The existing verge area
- Any existing drainage infrastructure including pits, lintels, grates.

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

56. The property shall support a minimum number of 7 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the 7, tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate. Three of the canopy trees to be planted are to be locally occurring native trees from the Sydney Sandstone Ridgetop vegetative community.

57. A cash bond/bank guarantee of \$2,000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

58. 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.

59. *Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:*

- *New concrete driveway crossing and layback in accordance with levels and specifications issued by Council.*
- *Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).*
- *Full repair and resealing of any road surface damaged during construction.*
- *Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.*

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

60. *Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. Registered title documents showing the covenants and restrictions must be submitted and*

approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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

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

63. *Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection for approval to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:*
 - a. *That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.*
 - b. *That the minimum retention and on-site detention volume storage requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.*

- c. *That retained water is connected and available for uses specified in the BASIX commitments.*
- d. *That the drainage system has been installed by a licensed contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA.*
- e. *That all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.*

The rainwater retention certification sheet contained at appendix 13 of Ku-ring-gai Council Water Management DCP 47 must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained at appendix 4 of DCP 47 must also be completed and attached to the certification.

- 64. *The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.*
- 65. *That the setback be increased by a further 1 metre.*

373

1 Kintore Street, Wahroonga - Demolition & Erection of Seniors Living Development Comprising Four Dwellings

File: DA470/05

Ward: Wahroonga

Applicant: The Turnbull Group Pty Ltd

Owner: Robert Fechter

The following members of the public addressed Council:

P Le Bas

D Sukari

D Hill

Independent town planning report for Council to consider in determining Development Application No 470/05.

Resolved:

(Moved: Councillors Hall/Bennett)

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

THAT the Council, as the consent authority, grant development consent to DA 470/05 for demolition of the existing building and construction of a SEPP Seniors Living Development comprising 4 dwellings on land at 1 Kintore Street, Wahroonga, 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 470/05 and Development Application plans prepared by HSA Architects, reference number 49105.DA1, Issue C, 49105.DA2, Issue C, 49105.DA3, Issue C, 49105.DA4, Issue C, 49105.DA5, Issue C, dated 9 March 2006 and Landscape Plan prepared by Landscape Architectural Services, Drawing No LPDA 06 – 86/1, dated November 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. 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.
3. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree No /Species /Location	Radius From Trunk
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	5 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	5 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Southern boundary	7 metres

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

Tree No /Species /Location	Radius From Trunk
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	7 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	7 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Southern boundary	7 metres

5. To preserve the following tree, the driveway to Unit 1 shall be constructed of asphalted concrete.

Tree No /Species /Location
Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North-eastern corner
6. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
7. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
8. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
9. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
10. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

11. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
12. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
13. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
14. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au 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.
15. Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
16. *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.*
17. *The proposed development is to be compliant with both AS 1428 (Design for Access and Mobility and AS 4299 (Adaptable Housing) and the design requirements of SEPP (Seniors Living).*
18. *The interior design of dwellings, ancillary facilities (eg letterboxes, lighting etc) and circulation space within the development shall comply with the standards contained in clause 13A of SEPP 5. A Compliance Certificate prepared by a suitably qualified and experienced person, certifying compliance with the*

provisions and standards contained in this clause, shall be submitted to the Principal Certifying Authority prior to occupation of the development.

19. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
20. No mobile outdoor surveillance systems shall be installed without prior approval of Council.
21. No advertising signs are to be erected without the prior consent of Council.
22. Master TV antennas are to be provided to avoid having individual antennas. The master antenna should be located at the rear of the site to reduce visibility from the street. Alternatively, location within the roof space should be considered.
23. Letter boxes must be provided in accordance with the requirements of Australia Post and be accessible to wheelchair users
24. On site power must be underground and satisfy the requirements of Energy Australia.
25. Unit/dwelling numbers must be clearly displayed and visible for emergency vehicles and visitors.
26. Each dwelling must have a child proof storage place for poisons or other dangerous substances.
27. Main entry doors to each unit shall be provided with peep holes.
28. Walls and Fences within the development are to be in accord with Council's Development Control Code 1/99 or as otherwise directed or approved.
29. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths are illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected.
30. Throughout the development it is necessary to utilise non-slip materials. Surfaces which will be slippery when wet are not permitted. Loose material such as gravel or sand should be avoided near footpaths.
31. Locate TV antenna outlets on interior walls (away from windows and potential glare problems) in positions that maximise, options for TV location in the living and sleeping areas.
32. Locate telephone sockets so that residents have a choice of places/rooms to put a telephone and its related furniture.

33. Courtyard fences between units shall be constructed of masonry to a height of 1.8 metres or as otherwise indicated.
34. The use of landscaping should not affect driver sight distance to see other vehicles/pedestrians etc. for vehicles entering /exiting the subject site. The use of low growing shrubs around driveways is recommended.
35. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
36. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy (Seniors Living) at all times.
37. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP (Seniors Living) development and that at least one occupier shall be aged 55 years or over or have a disability.
38. 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.
39. 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.
40. **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.

41. 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.
42. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
43. To maintain existing ground levels all excavated material shall be removed from the site.
44. For the purpose of maintaining visual amenity, electricity cabling shall 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 prior to the release of the occupation certificate.
45. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
46. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

48. 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.
49. 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.
50. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
51. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
52. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
53. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
54. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;

- iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
55. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
56. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
57. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
58. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
59. In order to increase streetscape and residential amenity, any existing sandstone removed from the Kintore or Grosvenor Street frontages to accommodate driveway and pathway areas shall be retained and used elsewhere within landscaped areas on site.

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

60. Amended plans are to be provided for approval with the Construction Certificate Application detailing the following changes:
- a) The first floor of the northern building is to be reduced in size such that it has a minimum setback of 11m from Kintore Street and the first floor balcony is to be deleted. Internal changes to the layouts of Dwellings 1 and 2 will be necessary to achieve this change, however the external dimensions of the first floor are to remain the same with the exception of the specified change;
 - b) The southern window within bedroom 4 of Dwelling 1 is to be located 1m westward as possible so as to minimise overlooking of the north facing dining room windows of Dwelling 3; and
 - c) The north facing windows of bedroom 3 in Dwelling 3 are to have frosted glazing to the bottom pane of the window to a minimum height of 1.5m

above the floor level to prevent overlooking of the southern courtyard of Dwelling 2.

61. 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.

61. 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).
62. 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.
63. 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.
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. The submitted landscape plan by Landscape Architectural Services, Drawing No. LPDA 06-86/1 and dated November 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.

The following amendments to the plan shall apply:

- The 1200mm high picket fence shall be deleted.
 - The existing healthy mature shrubs along the northern and western boundaries shall be individually noted on the plan to be retained and the replanting of additional species reduced or changed to suit.
 - The plan shall indicate the removal of Tree 28.
 - The plan shall note the use of medium to large pebbles as mulch along the eastern boundary as this area will be a stormwater flow path. No ground covers such as Myoporum or Trachelospermum shall be planted as they will interrupt the overland flow.
 - The proposed "cultivar" that will reach a minimum height of 3 to 4 metres of Syzygium paniculatum (Brush Cherry) shall be indicated.
66. The property shall support a minimum number of 10 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional tree/s to be planted, shall be shown on the

Landscape Plan/Site Plan. The plan shall be prepared by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.

67. A cash bond/bank guarantee of \$8,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

68. A cash bond/bank guarantee of \$15,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree No /Species /Location /Bond

Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North-eastern corner
/ \$4,000.00

Tree 5 / *Lophostemon confertus* (Brushbox)
/ North-western corner
/ \$3,000.00

Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ Middle of western boundary
/ 2,000.00

Tree 11 / *Pinus patula* (Mexican Pine)
/ Middle of western boundary
/ \$2,000.00

Tree 24 / *Eucalyptus pilularis* (Blackbutt)
 / Middle of southern boundary
 / \$4,000.00

69. To preserve the following trees the proposed driveways to Units 2 & 3 shall be constructed at existing soil levels and suspended on isolated piers within the specified radius of the trunks. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Tree No /Species /Location	Radius in metres
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Western boundary	7 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Western boundary	7 metres

70. To preserve the following tree/s, footings of the proposed Unit 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 the Principal Certifying Authority for approval prior to release of the Construction Certificate.

Tree No /Species /Location	Radius in Metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Middle of southern boundary	7 metres

71. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) that the parking provisions comply with the following standards:
- The State Environmental Planning Policy for Seniors Living (particularly relating to height clearances and space dimensions) and
 - Australian Standard 2890.1 – 2004 “Off-street car parking”.
72. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

73. The Applicant must carry out the following infrastructure works in the Public Road:

Construct kerb ramps to Council's specification between the subject site and the nearest bus stop.

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.

74. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design may be generally based on the concept plans TFA2944/01 Sheets 1 to 3 Issue A by Toby Fiander & Associates, advanced for construction purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes . Rainwater

tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. Water quality measures are to be included as required by DCP47. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

75. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
76. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossings between the property boundary and road alignment must be obtained from Council. The footpath crossings are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 4 (FOUR) ADDITIONAL DWELLINGS IS CURRENTLY \$12,306.64 (including a credit for the existing dwelling on the site). The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

78. 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.
79. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree No /Species /Location

Tree 1 / *Angophora costata* (Sydney Red Gum)
/ North eastern corner

Tree 16 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ South western corner

Tree 36 / *Nyssa sylvatica* (Tupelo)
/ Grosvenor Street nature strip

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

Tree No /Species /Location	Radius in Metres
Tree 3 / <i>Acer palmatum</i> (Japanese Maple) / Northern boundary	3 metres
Tree 5 / <i>Lophostemon confertus</i> (Brushbox) / North western corner	3 metres
Tree 10 / <i>Eucalyptus racemosa</i> (Large Scribbly Gum) / Middle of western boundary	3 metres
Tree 11 / <i>Pinus patula</i> (Mexican Pine) / Middle of western boundary	3 metres
Tree 24 / <i>Eucalyptus pilularis</i> (Blackbutt) / Middle of southern boundary	5 metres
Tree 34 / <i>Acer palmatum</i> (Japanese Maple) / Front boundary	3 metres
<i>Franklinia axillaris</i> (Gordonia) / Western boundary near northern end	3 metres

81. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
82. To preserve the following tree, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree is installed over the proposed designated construction entrance/exit off Grosvenor Street.

Tree/Location

Tree 10 / *Eucalyptus racemosa* (Large Scribbly Gum)
/ Middle of western boundary

83. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying

Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.

Traffic Control Plan(s) for the site:

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
 - Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
 - The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.
85. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour - preferably saved to cd-rom in ‘jpg’ format). The photos must include detail of:
- The existing footpath
 - The existing kerb and gutter

- The existing full road surface between the opposite kerb
 - The existing verge area
 - The existing driveway and layback where to be retained
 - Any existing drainage infrastructure including pits, lintels, grates.
 - Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.
86. 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.
87. A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the *Guidelines for Photographic Recording of Heritage Sites, Building and Structures* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

88. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
89. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
90. Prior to issue of an Occupation Certificate, the following works must be completed:
- a. Construction of the new driveway crossings and laybacks in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

- c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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

91. Prior to issue of an Occupation Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
92. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
93. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- a. The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b. The as-constructed car park complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 - Australian Standard 2890.1 - "Off-street car parking", are met.
94. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- Approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.

- That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
- The following certification sheets must be accurately completed and attached to the certification:
 - Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

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

The WAE survey must indicate:

- a. As built (reduced) surface and invert levels for all drainage pits.
- b. Gradients of drainage lines, materials and dimensions.
- c. As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- d. As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- e. The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- f. As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- g. The size of the orifice or control fitted to any on-site detention system.
- h. Dimensions of the discharge control pit and access grates.
- i. The maximum depth of storage possible over the outlet control.
- j. Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

96. Prior to issue of an Occupation Certificate, the applicant is to create a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:

- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
97. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention/retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention/retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Against the Resolution: Councillor Cross

The above Resolution was carried as an AMENDMENT to the original Motion. The Original Motion was:

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

THAT the Council, as the consent authority, grant development consent to DA 470/05 for demolition of the existing building and construction of a SEPP Seniors Living Development comprising 4 dwellings on land at 1 Kintore Street, Wahroonga, 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 470/05 and Development Application plans prepared by HSA Architects, reference number 49105.DA1, Issue C, 49105.DA2, Issue C, 49105.DA3, Issue C, 49105.DA4, Issue C, 49105.DA5, Issue C, dated 9 March 2006 and Landscape Plan prepared by Landscape Architectural Services,*

Drawing No.LPDA 06 – 86/1, dated November 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:

2. *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.*
3. *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.*

<i>Tree No /Species /Location</i>	<i>Radius From Trunk</i>
<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Western boundary</i>	<i>5 metres</i>

<i>Tree 11 / Pinus patula (Mexican Pine) / Western boundary</i>	<i>5 metres</i>
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<i>Tree 24 / Eucalyptus pilularis (Blackbutt) / Southern boundary</i>	<i>7 metres</i>
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4. *All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:*

<i>Tree No /Species /Location</i>	<i>Radius From Trunk</i>
<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Western boundary</i>	<i>7 metres</i>

<i>Tree 11 / Pinus patula (Mexican Pine) / Western boundary</i>	<i>7 metres</i>
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<i>Tree 24 / Eucalyptus pilularis (Blackbutt) / Southern boundary</i>	<i>7 metres</i>
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5. *To preserve the following tree, the driveway to Unit 1 shall be constructed of asphalted concrete.*

<i>Tree No /Species /Location</i>

<i>Tree 1 / Angophora costata (Sydney Red Gum) / North-eastern corner</i>

6. *Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.*

7. *A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.*
8. *A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.*
9. *Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.*
10. *All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.*
11. *The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.*
12. *Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation*

arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.

- 13. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.*
- 14. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au 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.*
- 15. Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.*
- 16. 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.*
- 17. The proposed development is to be compliant with both AS 1428 (Design for Access and Mobility and AS 4299 (Adaptable Housing) and the design requirements of SEPP (Seniors Living).*
- 18. The interior design of dwellings, ancillary facilities (eg letterboxes, lighting etc) and circulation space within the development shall comply with the standards contained in clause 13A of SEPP 5. A Compliance Certificate prepared by a suitably qualified and experienced person, certifying compliance with the provisions and standards contained in this clause, shall be submitted to the Principal Certifying Authority prior to occupation of the development.*
- 19. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s*

which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

20. *No mobile outdoor surveillance systems shall be installed without prior approval of Council.*
21. *No advertising signs are to be erected without the prior consent of Council.*
22. *Master TV antennas are to be provided to avoid having individual antennas. The master antenna should be located at the rear of the site to reduce visibility from the street. Alternatively, location within the roof space should be considered.*
23. *Letter boxes must be provided in accordance with the requirements of Australia Post and be accessible to wheelchair users*
24. *On site power must be underground and satisfy the requirements of Energy Australia.*
25. *Unit/dwelling numbers must be clearly displayed and visible for emergency vehicles and visitors.*
26. *Each dwelling must have a child proof storage place for poisons or other dangerous substances.*
27. *Main entry doors to each unit shall be provided with peep holes.*
28. *Walls and Fences within the development are to be in accord with Council's Development Control Code 1/99 or as otherwise directed or approved.*
29. *The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths are illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected.*
30. *Throughout the development it is necessary to utilise non-slip materials. Surfaces which will be slippery when wet are not permitted. Loose material such as gravel or sand should be avoided near footpaths.*
31. *Locate TV antenna outlets on interior walls (away from windows and potential glare problems) in positions that maximise, options for TV location in the living and sleeping areas.*
32. *Locate telephone sockets so that residents have a choice of places/rooms to put a telephone and its related furniture.*

33. *Courtyard fences between units shall be constructed of masonry to a height of 1.8 metres or as otherwise indicated.*
34. *The use of landscaping should not affect driver sight distance to see other vehicles/pedestrians etc. for vehicles entering /exiting the subject site. The use of low growing shrubs around driveways is recommended.*
35. *The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:*
 - a. *People 55 or over or people who have a disability;*
 - b. *People who live with people 55 or over or people who have a disability;*
 - c. *Staff employed to assist in the administration of and provision of services to housing provided in this development.*
36. *The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy (Seniors Living) at all times.*
37. *All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP (Seniors Living) development and that at least one occupier shall be aged 55 years or over or have a disability.*
38. *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.*
39. *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.*
40. *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.

- 41. 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.*
- 42. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.*
- 43. To maintain existing ground levels all excavated material shall be removed from the site.*
- 44. For the purpose of maintaining visual amenity, electricity cabling shall 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 prior to the release of the occupation certificate.*
- 45. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.*
- 46. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.*

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

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

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

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

48. *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.*
49. *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.*
50. *The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.*
51. *Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.*
52. *A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.*

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

53. *Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.*
54. *Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.*

- a. *A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:*
 - i. *cause the windows or other openings in the external walls to be close boarded or otherwise covered;*
 - ii. *cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;*
 - iii. *cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.*
 - b. *Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.*
55. *Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.*
56. *Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.*
57. *Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.*
58. *Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.*
59. *In order to increase streetscape and residential amenity, any existing sandstone removed from the Kintore or Grosvenor Street frontages to accommodate driveway and pathway areas shall be retained and used elsewhere within landscaped areas on site.*

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

60. *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.

61. *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).*
62. *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.*
63. *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.*
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. *The submitted landscape plan by Landscape Architectural Services, Drawing No. LPDA 06-86/1 and dated November 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.*

The following amendments to the plan shall apply:

- *The 1200mm high picket fence shall be deleted.*
 - *The existing healthy mature shrubs along the northern and western boundaries shall be individually noted on the plan to be retained and the replanting of additional species reduced or changed to suit.*
 - *The plan shall indicate the removal of Tree 28.*
 - *The plan shall note the use of medium to large pebbles as mulch along the eastern boundary as this area will be a stormwater flow path. No ground covers such as Myoporum or Trachelospermum shall be planted as they will interrupt the overland flow.*
 - *The proposed "cultivar" that will reach a minimum height of 3 to 4 metres of Syzygium paniculatum (Brush Cherry) shall be indicated.*
66. *The property shall support a minimum number of 10 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be prepared by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.*
67. *A cash bond/bank guarantee of \$8,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and*

maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

68. *A cash bond/bank guarantee of \$15,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.*

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

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

Tree No /Species /Location /Bond

*Tree 1 / Angophora costata (Sydney Red Gum)
/ North-eastern corner
/ \$4,000.00*

*Tree 5 / Lophostemon confertus (Brushbox)
/ North-western corner
/ \$3,000.00*

*Tree 10 / Eucalyptus racemosa (Large Scribbly Gum)
/ Middle of western boundary
/ 2,000.00*

*Tree 11 / Pinus patula (Mexican Pine)
/ Middle of western boundary
/ \$2,000.00*

*Tree 24 / Eucalyptus pilularis (Blackbutt)
/ Middle of southern boundary
/ \$4,000.00*

69. *To preserve the following trees the proposed driveways to Units 2 & 3 shall be constructed at existing soil levels and suspended on isolated piers within the specified radius of the trunks. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.*

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

<i>Tree No /Species /Location</i>	<i>Radius in metres</i>
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<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Western boundary</i>	<i>7 metres</i>
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<i>Tree 11 / Pinus patula (Mexican Pine) / Western boundary</i>	<i>7 metres</i>
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70. *To preserve the following tree/s, footings of the proposed Unit 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 the Principal Certifying Authority for approval prior to release of the Construction Certificate.

<i>Tree No /Species /Location</i>	<i>Radius in Metres</i>
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<i>Tree 24 / Eucalyptus pilularis (Blackbutt) / Middle of southern boundary</i>	<i>7 metres</i>
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71. *Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions comply with the following standards:*

- *The State Environmental Planning Policy for Seniors Living (particularly relating to height clearances and space dimensions) and*
- *Australian Standard 2890.1 – 2004 “Off-street car parking”.*

72. *Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in*

accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

73. *The Applicant must carry out the following infrastructure works in the Public Road:*

Construct kerb ramps to Council's specification between the subject site and the nearest bus stop.

*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.

74. *Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design may be generally based on the concept plans TFA2944/01 Sheets 1 to 3 Issue A by Toby Fiander & Associates, advanced for construction purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. Water quality measures are to be included as required by DCP47. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.*
75. *Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.*
76. *Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossings between the property boundary and road alignment must be obtained from Council. The footpath crossings are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.*

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

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

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 4 (FOUR) ADDITIONAL DWELLINGS IS CURRENTLY \$12,306.64 (including a credit for the existing dwelling on the site). The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

<i>Small dwelling (under 75sqm)</i>	<i>1.27 persons</i>
<i>Medium dwelling (75 - under 110sqm)</i>	<i>1.78 persons</i>
<i>Large dwelling (110 – under 150sqm)</i>	<i>2.56 persons</i>
<i>Very Large dwelling (150sqm or more)</i>	<i>3.48 persons</i>

<i>New Lot</i>	<i>3.48 persons</i>
<i>SEPP (Seniors Living) Dwelling</i>	<i>1.3 persons</i>

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

78. *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.*
79. *To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:*

Tree No /Species /Location

*Tree 1 / Angophora costata (Sydney Red Gum)
/ North eastern corner*

*Tree 16 / Eucalyptus racemosa (Large Scribbly Gum)
/ South western corner*

*Tree 36 / Nyssa sylvatica (Tupelo)
/ Grosvenor Street nature strip*

80. *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 driveways is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.*

<i>Tree No /Species /Location</i>	<i>Radius in Metres</i>
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<i>Tree 3 / Acer palmatum (Japanese Maple) / Northern boundary</i>	<i>3 metres</i>
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<i>Tree 5 / Lophostemon confertus (Brushbox) / North western corner</i>	<i>3 metres</i>
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<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Middle of western boundary</i>	<i>3 metres</i>
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Tree 11 / Pinus patula (Mexican Pine) 3 metres
/ Middle of western boundary

Tree 24 / Eucalyptus pilularis (Blackbutt) 5 metres
/ Middle of southern boundary

Tree 34 / Acer palmatum (Japanese Maple) 3 metres
/ Front boundary

Franklinia axillaris (Gordonia) 3 metres
/ Western boundary near northern end

81. *The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.*
82. *To preserve the following tree, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree is installed over the proposed designated construction entrance/exit off Grosvenor Street.*

Tree/Location

Tree 10 / Eucalyptus racemosa (Large Scribbly Gum)
/ Middle of western boundary

83. *Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.*
84. *Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a Construction and Traffic Management Plan. The following matters must be specifically addressed in the Plan:*

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

- *Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,*
- *Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,*
- *A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries*

- *Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.*

Traffic Control Plan(s) for the site

- *All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.*
 - *Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.*
 - *The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.*
85. *Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:*
- *The existing footpath*
 - *The existing kerb and gutter*
 - *The existing full road surface between the opposite kerb*
 - *The existing verge area*
 - *The existing driveway and layback where to be retained*
 - *Any existing drainage infrastructure including pits, lintels, grates.*
 - *Particular attention must be paid to accurately recording any pre-developed damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.*
86. *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.

87. *A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the Guidelines for Photographic Recording of Heritage Sites, Building and Structures prepared by the New South Wales Heritage Office.*

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

88. *The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.*
89. *The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.*
90. *Prior to issue of an Occupation Certificate, the following works must be completed:*

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

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

91. *Prior to issue of an Occupation Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved Roads Act 1993 drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.*
92. *Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).*
93. *Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:*
- a. *The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and*
 - b. *The as-constructed car park complies with the approved Construction Certificate plans, and*
 - c. *The vehicular headroom requirements of:*
 - *the Seniors Living SEPP (as last amended) for accessible parking spaces, and*
 - *Australian Standard 2890.1 - "Off-street car parking", are met.*
94. *Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:*
- *Approved Construction Certificate drainage plans.*
 - *That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.*
 - *That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.*
 - *That all grates potentially accessible by children are secured.*

- *That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and*
 - *All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.*
 - *The following certification sheets must be accurately completed and attached to the certification:*
 - *Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47*
 - *On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.*
95. *Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:*
- a. *As built (reduced) surface and invert levels for all drainage pits.*
 - b. *Gradients of drainage lines, materials and dimensions.*
 - c. *As built (reduced) level(s) at the approved point of discharge to the public drainage system.*
 - d. *As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.*
 - e. *The achieved storage volumes of the installed retention and detention storages and derivative calculations.*
 - f. *As built locations of all access pits and grates in the detention and retention system(s), including dimensions.*
 - g. *The size of the orifice or control fitted to any on-site detention system.*
 - h. *Dimensions of the discharge control pit and access grates.*
 - i. *The maximum depth of storage possible over the outlet control.*
 - j. *Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.*
- The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.*
96. *Prior to issue of an Occupation Certificate, the applicant is to create a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:*

- a. *People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.*
 - b. *People who live with such people as defined in (a) above.*
 - c. *Staff employed to assist in the administration of and provision of services to housing provided in this development.*
97. *Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention/retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.*

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention/ retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

**Council adjourned for a short interval at 9.55pm
after a Motion moved by Councillors Cross & Lane was CARRIED
and the Chairperson ruled accordingly.**

The Meeting resumed at 10.10pm

Those present were:

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

**At 11.40pm a Motion moved by the
Mayor, Councillor Ebbeck & Councillor Lane to extend
the meeting until all business was completed
was put to the vote and CARRIED UNANIMOUSLY**

374 **Lindfield Centre - Draft Built Form Controls for Precinct F (Drovers Way /
Beaconsfield Parade / Gladstone Parade) & Precinct P (Wolseley Road /
Treatts Road / Railway)**

File: S04350

The following members of the public addressed Council:

For Precinct F:

N Dougall
G Gurney
J Buchanan
C Bentley

For Precinct P:

H Oliver	S Donovan
S Cogle	W Butt
L Hudson	H Huang
C Wells	L Hunt

Councillor Cross departed during discussion

To have Council consider and adopt the Draft Development Control Plan (DCP) controls for Precinct F (an area bounded by Drovers Way / Beaconsfield Parade / Gladstone Parade) and Precinct P (an area bounded by Wolseley Road / Treatts Road / Railway) in the Lindfield Centre prior to formal exhibition of the Draft Plans.

Resolved:

(Moved: Councillors Hall/Lane)

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

- A.. That Council endorse the draft site specific built form controls for Precinct F in the Lindfield Centre for the inclusion of Part 4 of the Draft Development Control Plan for formal public as outlined in the report and as amended below.

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

Against the Resolution: Councillor Bennett

- B. That the identified riparian zone in Precinct F be added to Council's adopted Riparian Map.

CARRIED UNANIMOUSLY

- C. That within Site 2, Precinct F, the property identified as 10A Beaconsfield Parade maintain the R4 zoning as indicated in the Draft LEP and be identified as future potential public open space.

CARRIED UNANIMOUSLY

- D. That 16 Beaconsfield Parade be investigated for heritage listing.

CARRIED UNANIMOUSLY

(Moved: Councillors Shelley/Anderson)

- E. i. That staff consider alternative access from the R4 site in Precinct P to Treatts Road only

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

Against the Resolution: Councillors Hall & Ryan

(Moved: Councillors Shelley/Anderson)

- ii. Staff to reduce new road by approximate half and, to add further public open space to Ibbetson Park and report back to Council on 17 October 2006.

Part E of the Resolution was carried as part of the Original Motion

The following parts (ii) & (iii) of the Amendment when put to the vote were LOST.

- ii. *That Council endorse the draft site specific built form controls for Precinct P in the Lindfield Centre for the inclusion of Part 4 of the Draft Development Control Plan for formal public exhibition.*

- iii. *That strategy diagrams in Part 2 of the Draft Development Control Plan be amended to be consistent with the proposed draft controls for Precinct P.*

*Standing Orders were suspended in order that
the following item could be dealt with
after a Motion was moved by Councillors Malicki & Anderson was
CARRIED UNANIMOUSLY*

Urgency ruled

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING
REGULATION**

- 375 **Lindfield Centre - Draft Form Controls for Precinct F (Drovers
Way/Beaconsfield Parade/Gladstone Parade) & Precinct P (Wolseley
Road/Treatts Road/Railway)**

File: S04350

**Business Without Notice from Councillors J Anderson & M Shelley dated
26 September 2006.**

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That the proposed roadway as outlined for Precinct F on map 4.5 page 4.25 dated 26 September become a cul-de-sac from Drovers Way and be of sufficient length to allow access for the building in Site 2 parallel to Drovers Way and for the proposed building at 10A Beaconsfield and further move that the proposed built form for 10A Beaconsfield be moved so that there is a 12 metre setback from the boundary with 16 Beaconsfield.
- B. That the access handle to 10A Beaconsfield Parade become a pedestrian accessway and retain the proposed setbacks to the buildings fronting Beaconsfield Parade

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

Against the Resolution: Councillor Andrew

376

1 to 9 Woniora Avenue, Wahroonga - Amend Condition 92 to allow Concrete Delivery Trucks during School Drop Off & Pick Up Times

File: DA1364/04-5

Ward: Wahroonga

Applicant: Woniora Avenue Pty Ltd

Owner: Karinya Apartments

To determine Section 96 application 1364/04B which seeks consent to allow concrete delivery trucks during school drop off and pick up times.

Resolved:

(Moved: Councillors Bennett/Shelley)

The matter be refused due to unacceptable, adverse impact on safety on local school children and that the matter accordingly is not in the public interest.

For the Resolution: Councillors Bennett, Malicki, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall & Lane

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

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979

- A. *THAT Council, as the consent authority, modify development consent to Development Application No. DA 1364/04 to allow construction vehicle movements within school drop off and pick up times on land at 1-9 Woniora Avenue, Wahroonga, in the following manner:*

Condition No.92 is modified so as to read as follows:

“To ensure minimal amenity impacts, deliveries are not to be made to the site between the hours of 8.00am to 9.30am and 2.30pm to 4.00pm, with the exception of concrete delivery trucks up until and including 15 December 2006. No deliveries of any kind are to be made between the hours of 8.00am to 9.30am and 2.30pm to 4.00pm after 15 December 2006.

- B. *That all schools which have a school zone through which concrete trucks will pass, shall be notified by the applicant one week prior to the pour to*

enable staff, parents and children to be warned of the presence of the trucks.

- C. *That the applicant provide traffic controllers between Burns Road and Woniora Ave during the days on which concrete pours are to occur.*

377 **National General Assembly of Local Government 2006**

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File: S02133

For Council to determine its elected delegates to the 2006 National General Assembly of Local Government - "Pushing the Agenda".

Resolved:

(Moved: Councillors Malicki/Lane)

That the report be received and noted.

CARRIED UNANIMOUSLY

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

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Files: S02080, S02110, S02355, S03447, S03448, S03449, S03816

For Council to give consideration to the election of the Chairpersons/Deputy Chairpersons for Council's Committees & Advisory Committees.

Resolved:

- A. That Council elect the Chairperson/Deputy Chairperson for the following Committees:

POLICY REVIEW COMMITTEE

Chairperson: Councillor Ryan
Deputy Chairperson: Councillor Andrew.

FINANCE COMMITTEE

Chairperson: Councillor Ryan
Deputy Chairperson: Councillor Shelley

COMMUNITY DEVELOPMENT COMMITTEE

Chairperson: Councillor Hall

Deputy Chairperson: Councillor Anderson

- B. That Council elect Councillor Malicki as Deputy Chairperson for the Planning Committee.

NOTE: The Mayor is the Chairperson (see Minute No 419 of 2005)

- C. That Council elect the Chairperson/Deputy Chairperson for the following Committees, where necessary:

BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP

Chairperson: Councillor Andrew (unchanged)

Deputy Chairperson: Councillor Shelley (unchanged)

PARKS, SPORT & RECREATION REFERENCE GROUP

Chairperson: The Mayor, Councillor Ebbeck

Deputy Chairperson: Councillor Malicki

COMPANION ANIMALS ADVISORY COMMITTEE

Chairperson: Councillor Shelley (unchanged)

Deputy Chairperson: Councillor Ryan

HERITAGE ADVISORY COMMITTEE

Chairperson: Councillor Anderson

Deputy Chairperson: Councillor Shelley

KU-RING-GAI ACCESS CONSULTATIVE COMMITTEE

Chairperson: Councillor Lane (unchanged)

Deputy Chairperson: Councillor Anderson

KU-RING-GAI TRAFFIC COMMITTEE

Chairperson: Councillor Lane (unchanged)

Deputy Chairperson: The Mayor, Councillor Ebbeck (unchanged)

379 **Representation on Community Committees/Organisations**

File: S02355

For Council to make appointments to community committees/organisations.

Resolved:

That Council make appointments to community committees/organisations as listed in this report.

The Ku-ring-gai Police and Community Safety Committee

Councillor Lane

Ku-ring-gai Meals on Wheels Inc

Councillor Shelley

Eryldene Trust

Councillor Anderson

RTA-Sydney Region Combined Consultative Forum

Councillor Lane

Hornsby/Ku-ring-gai Bushfire Management Committee

Councillor Andrew

Metropolitan Public Libraries Association

Councillor Anderson

Rural Fire Service District Liaison Committee

Councillor Andrew

Hawkesbury/Nepean Local Government Advisory Group

To be discussed at a later date.

Northern Sydney Regional Organisation of Councils (NSROC)

The Mayor, Councillor Ebbeck
Councillor Malicki

Alternate: Councillor Ryan

Ku-ring-gai Youth Development Service Inc Management Committee

Councillor Shelley

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

*A Motion was moved by Councillors Hall & Shelley
to deal with the following matter*

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

Against the Urgency: Councillors Andrew, Bennett, Lane & Malicki

The Mayor ruled Urgency

380

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

File: DA0039/06

Notice of Rescission from Councillors J Anderson, I Cross, T Hall & M Shelley dated 26 September 2006.

- "1. We, the undersigned, hereby rescind the Council's resolution to defer the application (DA39/06) and is hereby rescinded.
2. We further move that the conditions for approval set out in the Staff recommendations on GB.3 plus a front setback to be increased by a further 1 metre."

Resolved:

(Moved: Councillors Hall/Shelley)

- A. That the above Notice of Rescission as printed be adopted.

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

Against the Resolution: Councillors Andrew, Bennett, Lane & Malicki

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

THAT the Council, as the consent authority, grant development consent to DA 39/06 for the construction of a two storey dwelling on land at 8 Squadron Court, West Lindfield, 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 39/06 and Development Application plans prepared by Charleston Homes, reference number Sheet 2 - Sheet 7, dated 14 May 2006, Sheet 8, dated 16 May 2006 and lodged with Council on 6 June 2006, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Roofing shall be gutterless or have leafless guttering and valleys are to be screened to prevent the build up of flammable material.
5. The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
6. Openable windows shall be screened with non corrosive mesh max aperture 1.8mm that remains in place while the window is open to prevent the entry of wind blown embers.
7. External doors shall be filled with draught excluders and tight fitting door screens filled with non corrosive mesh max aperture 1.8mm to prevent the entry of wind blown embers.
8. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
9. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system and generally in accordance with the submitted concept drainage plans by John Cvasinni

& Associates (refer Drawing No. 0632SW, Amendment B, dated 26/6/2006). New drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.

10. A mandatory rainwater/stormwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater/stormwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
11. In addition to the mandatory rainwater/stormwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
12. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
13. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized grates is to be located **within** the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
14. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application

involving any influence upon utility services provided by another authority.

15. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002) *“Traffic Control Devices for Work on Roads”*. **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
16. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
17. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) *“Off-Street car parking”*.
18. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
19. No loadings shall be imposed to utilities within any easement and no part of any structure shall encroach over any easement unless approved by the owner(s) appurtenant to the burden. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject lot(s). It is the applicant’s full responsibility to ensure that any rights-at-law are investigated and upheld. Council accepts no responsibility whatsoever, at

any time, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.

20. 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.
21. 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.
22. The driveway must be paved with a porous material to minimise stormwater runoff.
23. The development is to comply with the commitments in BASIX certificate 76049S.
24. The development is to be consistent with the External Colour Schedule prepared by Charleston Homes, dated 6 December 2005 and lodged with Council on 17 January 2006.
25. To ensure privacy and minimise overlooking external windows to bathrooms and ensuites are to be of obscured glass.
26. 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.
27. 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.
28. 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.
29. 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.

30. 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.

31. 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.
32. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
33. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
34. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
35. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

36. 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.
37. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

- b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

- 38. 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.
- 39. The retaining walls and footings shall be constructed entirely within the boundaries of the property.
- 40. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
- 41. 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.
- 42. The proposed future swimming pool is not approved under this application, neither has any consideration been given to the suitability or otherwise of its location as shown. Separate application is to be made for this purpose at the appropriate time.
- 43. Access to sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.

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

- 44. 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.

45. 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).
46. 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.
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 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.
48. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
49. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

50. Prior to the issue of the Construction Certificate, a longitudinal driveway section design is to be prepared by a suitably qualified and experienced civil/traffic engineer and provided for approval by the Principal Certifying Authority. These profiles are to be at a recognised scale along the shortest edge of the proposed driveway, starting from the centreline of the frontage street carriageway through to the proposed parking stand. The traffic engineer must provide specific written certification on the plans that:

All changes in grade (transitions) comply with Australian Standard 2890.1 – “Off-street car parking” – 2004 (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

- Maximum gradient of driveway does not exceed 25% (1 in 4).

If a new driveway crossing is proposed in the road reserve, the longitudinal sections at the boundary **must incorporate the driveway crossing levels issued by Council** upon prior application.

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

- Exact location and reduced level of discharge point to the public drainage system.
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater/stormwater storage and reuse tank systems. Where proprietary products are to be used, manufacturer specifications and details must be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise stormwater/rainwater in accordance with the BASIX commitments.
- Details of the required on-site detention system required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 for volume, PSD and design requirements).

The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based upon the concept drainage plans by John Cavasinni & Associates (refer Drawing No. 0632SW, Amendment B, dated 26/6/2006) submitted for Development Application

approval, which are to be advanced as necessary for construction issue purposes.

52. An amended plan of the proposed landscape works consistent with the landscape plan 2060415, prepared by Urban & Rural Design, dated 15/05/07, subject to the amendments as specified shall be submitted to, and approved by, the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- * Additional screen planting capable of 4.0m in height in separated groupings be added adjacent to the proposed garage and southern side of proposed dwelling, to the rear south and western boundary and to the northern boundary.
- * Planting in front of the front retaining wall to be capable of a minimum of 1.0m in height, suitable for local conditions and spaced at a minimum of 0.5m centres be specified on the plan.
- * At least 4 of the required canopy trees are to be selected from locally occurring species such as *Angophora costata*, *Corymbia gummifera*.
- * *Magnolia grandiflora* and *Podarcopus elatus* are not considered a canopy tree suitable for the local conditions of this site, and should be substituted with locally occurring native species.
- * At least 25% of the overall number of trees and shrubs are to be selected from the Sydney Sandstone Ridge Top vegetative Community
- * The canopy tree proposed adjacent to the utility area is considered to be too close to the dwelling and shall be relocated to a more suitable position on site such as to northern side boundary forward of the proposed dwelling.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

53. 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.
54. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. 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. A Registered Surveyor's set out report.
55. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
- The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - Any existing drainage infrastructure including pits, lintels, grates.

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

56. The property shall support a minimum number of 7 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the 7, tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.

Three of the canopy trees to be planted are to be locally occurring native trees from the Sydney Sandstone Ridgetop vegetative community.

57. A cash bond/bank guarantee of \$2,000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

58. 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.
59. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing and layback in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

60. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. Registered title

documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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

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

63. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection for approval to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - a. That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b. That the minimum retention and on-site detention volume storage requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c. That retained water is connected and available for uses specified in the BASIX commitments.

- d. That the drainage system has been installed by a licensed contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA.
- e. That all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The *rainwater retention certification sheet* contained at appendix 13 of Ku-ring-gai Council Water Management DCP 47 must be completed and attached to the certification. Where an on-site detention system has been constructed, the *on-site detention certification sheet* contained at appendix 4 of DCP 47 must also be completed and attached to the certification.

- 64. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 66. That the setback be increased to the garage and dwelling house by a further 1 metre.

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

Against the Resolution: *Councillors Andrew, Bennett, Lane & Malicki*

QUESTIONS WITHOUT NOTICE

381

Appreciation to Manager Urban Planning, Antony Fabbro

File: S02576

Question Without Notice from Councillor M Shelley

Would the General Manager pass on my thanks and appreciation to Mr Antony Fabbro for his sympathetic and professional treatment of a very understandably unhappy resident at a recent meeting attended by Mr Fabbro, Ms Ling Lee, our heritage consultant and myself?

Answer by the General Manager

I have done it already but I am happy to double up.

382 **Request for a Review of Proposals regarding landscaping at St Ives Village Green - St Ives Town Centre DCP**

File: S04019

Question Without Notice from Councillor L Bennett

Can Council's Landscape Staff review the proposals in the St Ives Town Centre DCP for the St Ives Village Green and can the review be circulated to Councillors and, if appropriate, considered in relation to the adoption of the DCP?

Answer by Director Open Space & Planning

Yes.

383 **Secret Garden in Pymble - Request Staff clarify the Area**

File: S04291

Question Without Notice from Councillor L Bennett

Can the staff clarify the area of the Secret Garden in Pymble which is proposed to be added to the adjoining lot for a development site?

Answer by Director Open Space & Planning

Yes, I will report back.

384 **Section 94 Contribution Fund - Applicable to Developments granted under LEP 194**

File: S04048

Question Without Notice from Councillor T Hall

I refer to recent successful Appeals in the Land & Environment Court at Wahroonga (No 11165 of 2005) & Lindfield (No 10611 of 2005) against the quantum of Council's LEP 194 Developer Contributions & ask when shall Council receive appropriate amendments to its Section 94 Plan that incorporates the decisions in these appeals, in particular, childcare facilities & occupancy rates or should Council adopt Section 94A of the Act that is non-appellable?

Answer by the Director Open Space & Planning

Yes, we will be taking advice from those two decisions & bring a report back to Council.

385 35 Water Street & 64 Billyard Avenue, Wahroonga - DA for Seniors Living

File: DA0855/06-2

Question Without Notice from Councillor A Ryan

I refer to the development application for a seniors living development at 35 Water Street & 64 Billyard Avenue, Wahroonga. I understand that the land, which was formerly the site of the John Williams Memorial Hospital, was at one time acquired by the state Government by way of gift or trust.

Would the General Manager make appropriate investigation and enquiry into the facts of this matter insofar as they may be relevant to the ability of the land to be re-developed in the manner now proposed?

Answer by the General Manager

I will be happy to do so.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

An Inspections Committee will be held on Saturday, 7 October 2006 at the following locations:

42A & 50 Hastings Road, Warrawee
212 to 216 Mona Vale Road, St Ives

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

Councillors Hall & Ryan departed

386

Purchase of 102 Rosedale Road, St Ives*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: P57397

Report by Director Open Space & Planning dated 19 September 2006.

Resolved:

(Moved: Councillors Bennett/Malicki)

That Council proceed with the approach recommended in the Staff report.

CARRIED UNANIMOUSLY by those present*Prior to debate on the above matter, the following motion was put to the vote & LOST. The Lost Motion was:**That the matter be deferred to the next Ordinary Meeting of Council.*

The General Manager adverted to the consideration of the matter referred to in Minute numbered 385, and to the resolution contained in such Minute.

The Meeting closed at 2.26am

The Minutes of the Ordinary Meeting of Council held on 26 September 2006 (Pages 1 - 93) were confirmed as a full and accurate record of proceedings on 17 October 2006.

General Manager

Mayor / Chairperson

DELEGATION OF AUTHORITY – MAYOR

That, in addition of the role referred to in Section 226 of the Local Government Act 1993 and by authority of Section 377 of the Local Government Act 1993 and subject to compliance with any other requirements of the Local Government Act or Regulations and expressed Policy of the Council or regulations of any public authority concerned other than the Council, the Mayor, Councillor Nick Ebbeck be and is hereby authorised to exercise or perform on behalf of the Council, the following powers, authorities, duties and functions, and that such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Management Plan.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Management Plan.

3. Temporary General Manager during General Manager's Leave

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint, after consultation with the General Manager, a temporary General Manager, during the absence of the General Manager on leave.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

DELEGATION OF AUTHORITY – DEPUTY MAYOR

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.