

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 27 JUNE 2006

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)  
Councillor A Andrew (Comenarra Ward)  
Councillors I Cross & N Ebbeck (Wahroonga Ward)  
Councillor T Hall (St Ives 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 - South (Richard Kinninmont)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Director Community Services (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Director Development & Regulation's PA (Judy Murphy)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.00pm*

*The Mayor offered the Prayer*

### 221 APOLOGIES

File: S02194

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

#### **Resolved:**

(Moved: Councillors Hall/Ebbeck)

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

**CARRIED UNANIMOUSLY**

## 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.

No such interest was declared.

## 222 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

### Resolved:

(Moved: Councillors Cross/Ebbeck)

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

- C.1 Staff - General Manager's Contract (*Section 10A(2)(a) - Personnel matters concerning particular individuals*) -Report by the Mayor, Councillor E Malicki dated 22 June 2006

**CARRIED UNANIMOUSLY**

## 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 - Queen's Birthday Honours 2006

Mayoral Minute - Aquatic Study

New Item - Refer GB.11 - Town Centres Planning - Extraordinary Meetings of Council - Report by Director Open Space & Planning dated 26 June 2006

New Item - Refer GB.12 Metropolitan Strategy - Report by Director Open Space & Planning dated 27 June 2006

New Item - Refer C.1 - Confidential Report on General Manager's Contract - Report by the Mayor, Councillor E Malicki dated 22 June 2006

Councillors  
Additional  
Agenda

Information: Memorandum by Director Technical Services dated 26 June 2006 - reference to GB.10 - Design Options for Entry Signs

Memorandums:

Refer to GB.2: 42 to 48 Culworth Avenue, Killara - Memorandum by Director Development & Regulation dated 26 June 2006 in reference to Condition 48 within the report.

Refer to GB.3: 281 Mona Vale Road, Pymble - Memorandum by Director Development & Regulation dated 22 June 2006 in reference to the incorrect suburb on the report heading being 281 Mona Vale Road, Pymble when it should have been 281 Mona Vale Road, St Ives

Refers GB.3: 281 Mona Vale Road, St Ives - Memorandum by Director Development & Regulation dated 26 June 2006 in reference to an error on page 172 of the Business Paper relating to the Development Application (Clause 72 - Garbage of Part 4 Development Standards)

Refer GB.4: 1 Kintore Street, Wahroonga - Memorandum by Director Development & Regulation dated 26 June 2006 in reference to include a Compliance Table for Clauses 51 to 72, which was inadvertently omitted from the report.

Refer to GB.9: Potential Heritage Item Review - Memorandum by Manager Urban Planning dated 27 June 2006 in reference to minor corrections within the Attachment 2 of the report.

Councillors  
Information: Advice on Construction of Accessible Pedestrian Footbridge - Stage 2, Lindfield Town Centre Memorandum from Director Technical Services dated 16 June 2006 in answer to Councillor Shelley's Question Without Notice

Zero -Tolerance Graffiti Management - Memorandum from Director Technical Services dated 16 June 2006 in answer to Councillor Shelley's Question Without Notice from the Ordinary Meeting of Council held on 4 April 2006

Vandalism - Lindfield Town Centre - Memorandum from Director Technical Services dated 20 June 2006 in answer to Councillor Ebbeck's Question Without Notice

Spot Rezoning - Letter from the Office of the Director General,  
NSW Government, Department of Planning dated 29 May 2006

223 **CONFIRMATION OF MINUTES**  
**Minutes of Ordinary Meeting of Council**

File: S02131  
Meeting held 13 June 2006  
Minutes numbered 198 to 220

**Resolved:**

(Moved: Councillors Ebbeck/Hall)

That Minutes numbered 198 to 220 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

224 **MINUTES FROM THE MAYOR**  
**Queen's Birthday Honours 2006**

File: S02767

I am pleased to inform you that 21 Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2006 Queen's Birthday Honours.

We are very proud to have so many dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

**Russell Ainley of Lindfield, for service to the forest industry**

**John Carrick of Lindfield, for service to the community through Rotary International**

**James Horrowell of Lindfield, for service to international relations**

**Cheryl and Graham Price of Wahroonga, for service to the community through support for people with coeliac disease**

**Margaret Hutchison of Lindfield, for service to nursing**

**John Mack of Lindfield, for service to mathematics education**

**Ross Pearson of Lindfield, for service to the community through museum and historical societies and through sporting, ex-service, nature conservation and children's organisations**

**Maxwell Whiddon of East Lindfield, for service to people with intellectual disabilities**

**Francis Lang of Killara, for service to medicine and to the Army Reserve**

**Tempe Merewether of Killara, for service to the community through musical societies and the Australian Red Cross**

**Peter Hebbes of West Pymble, for service to the community as a fundraiser, and to the music industry**

**Peter Perry of Pymble, for service to the community through health and youth organisations, and through Rotary International**

**Yvonne Henry of Turramurra, for service to the community, particularly to children as a swimming instructor for the Asthma Foundation**

**David Sandoe of Turramurra, for service to community health and to the insurance industry**

**Pamela Sandoe of Turramurra, for service to community health**

**William Broadbridge of Turramurra, for service to public administration and charitable and civic organisations**

**David Rumsey of St Ives, for service to education and training**

**Deborah Page of Wahroonga, for service to community health, and to commerce and accountancy**

**Judith Wheeldon of Roseville Chase, for service to secondary education, particularly as headmistress of Abbotsleigh School**

**John Watts of St Ives, for service to the community through bicycle and road safety education programs for children**

John Watts is a St Ives resident who is very well known in Council circles. John has been involved in the Council's Traffic Committee for many years as the representative of the Bicycle Institute of NSW. He was involved in the compilation of Council's Bicycle Plan and gave valuable advice on each of the cycleways that Council has constructed throughout Ku-ring-gai.

John has also been active in the St Ives Progress Association over many years, at one stage as a Vice President, and he has also been involved in Probus, assisting elderly people with driving issues. John is a local resident who has given a lot back to his community.

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

**Resolved:**

That Council acknowledge the outstanding contribution made by these recipients of 2006 Queen's Birthday Honours to the Ku-ring-gai community and to the well-being of our society.

**CARRIED UNANIMOUSLY**

*A vote of thanks to Mr John Watts for his efforts was  
moved by Councillor Hall and seconded by Councillor Ebbeck  
and CARRIED UNANIMOUSLY*

225

**Aquatic Study**

File: S04066

As Councillors would be aware, there has been considerable concern in our community following the exhibition of Council's Aquatic Study. Emotions are running high in the community and it appears that there is a fair degree of misinformation and misunderstanding about the matter. Many people have expressed concern that Council has not given sufficient notice of the exhibition and that we have therefore limited people's opportunity to comment.

At present the profile of this study has been raised through the Press and through information being disseminated by various groups. This gives us an opportunity to extend the exhibition process to allow more of our public to comment.

**Resolved:**

(Moved: Councillor Hall/Lane)

That the exhibited sites for a Aquatic Centre subject of the Recreation 6a Zone (Open Space) be withdrawn as it is considered these sites (Turramurra Memorial Park and St Ives Village Green) would prohibit such a fee-paying use.

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

*Against the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew & Shelley*

*Motion of Dissent on Mayoral ruling*

During debate on the Amendment, a Motion of Dissent was moved by Councillor Hall on the Mayor's ruling on a Point of Order

When put to the vote, the Motion of Dissent was CARRIED

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

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

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

*Therefore, I move that the exhibition period for the Aquatic Study be extended for two weeks until 14 July.*

**PETITIONS**

226

**Save Turrumurra Memorial Park & Karuah Oval - Proposal for an Aquatic Centre - (Four Hundred & Fifty-Four [454] Signatures)**

File: S04066

**Councillor Ebbeck presented the following Petition to Council:**

"Ku-ring-gai Council are proposing a 3-storey Aquatic Centre for Turrumurra & Karuah Parks. We, the undersigned, object to this proposal and believe better social, environmental and economic outcomes are available at alternative sites. We support continued use of Karuah Park for football, cricket and other recreational activities, not car parking"

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

That the Petition be received and referred to the appropriate officer of Council to be put with the feasibility study that is on exhibition.

**CARRIED UNANIMOUSLY**

227 **Request Ku-ring-gai Council to declare Acron Oval as an Off-Leash Area - (Four Hundred & Seventy-Eight [478] Signatures)**

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File: S03014

**Councillor Hall presented the following Petition to Council:**

"We, the undersigned, request Ku-ring-gai Council declare Acron Oval an Off-Leash Area from 6pm to 8am daily."

**Resolved:**

(Moved: Councillors Hall/Cross)

That the Petition be received and referred to the Companion Animals Committee for consideration and to the appropriate officers of Council for attention and advice back to Council.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

228 **1 Kintore Street, Wahroonga - Demolition & Construction of Seniors Living Development comprising 4 Dwellings**

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File: DA0470/05

Ward: Wahroonga  
Applicant: The Turnbull Group Pty Ltd  
Owner: Robert Fechter

To determine Development Application No.470/05.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

- A. That consideration of DA0470/05 at 1 Kintore Street, Wahroonga be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

229     **42 to 48 Culworth Avenue, Killara - Demolition of Existing Dwellings & Construction of Two Residential Flat Buildings (51 Units), Landscaping & Basement Parking**

File: DA0109/06

Ward: Gordon

Applicant: Dugald Mackenzie & Associates

Owners: T G Hartman, B A Killen, P M York, R M & K Wechsler

To determine development application No.109/06, which seeks consent for demolition of existing structures and construction of 2 residential flat buildings (51 units), basement car parking and landscaping.

**Resolved:**

(Moved: Councillors Shelley/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 109/06 for the construction of two (2) residential flat buildings (51 units), basement parking and landscaping on land at Nos. 42 to 48 Culworth Avenue, Killara for a period of two (2) year 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 109/06 and Development Application plans prepared by Dugald C Mackenzie & Associates as follows:

SK00a Basement 3 floor plan dated 24/04/06 received at Council on 28/4/06  
SK01a Basement 1 & 2 floor plans dated 24/4/06 received at Council on 28/4/06  
SK02b Ground & first floor plans dated 3/5/06 received at Council on 4/5/06  
SK03a Second & third floor plans dated 24/4/06 received at Council on 28/4/06  
SK04a Penthouse & roof plans dated 24/4/06 received at Council on 28/4/06  
SK05a South & east elevations & section BB (block A) dated 24/4/06 received at Council on 28/4/06  
SK06a North & west elevations section AA (block A) dated 24/4/06 received at Council on 28/4/06  
SK07a elevations & section Block B dated 24/4/06 received at Council on 28/4/06  
Landscape planting plans LPP/01/E & LPP/02/E dated 3/5/06 prepared by JCA Landscape architects received at Council on 4/5/06

2. All building works shall comply with the Building Code of Australia.

3. 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.
4. 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.
5. 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.
6. 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.
7. **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.

8. 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.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties (Nos. 21, 21A Powell Street, 40 & 40A Culworth Street) shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. Planter boxes (min width 500mm x 500mm depth) must be provided on the outer edge of the northern terraces of Buildings A & B and the outer edge of the southern terraces on Building A. Low maintenance plantings capable of achieving a mature height of 1.6m above the finished floor level of the terraces must be provided in each planter box to minimise overlooking of adjoining properties.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

21. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
22. 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.
23. The fence and footings shall be constructed entirely within the boundaries of the property.
24. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
25. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
26. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
27. 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.
28. 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.
29. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

30. 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.
31. 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.
32. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
33. 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.
34. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
35. 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.
36. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
37. Fire hoses are to be maintained on site during the course of demolition.
38. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

39. 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.
40. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
41. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
42. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
43. 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.
44. To maintain the character of the established streetscape, the overall height of the front fence is not to exceed 900mm in height above the finished footpath level.
45. 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.
46. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location

#16 *Cypress spp* (Pine)  
Straddling western (rear) site boundary

#17 *Liquidambar styraciflua* (Sweet Gum)  
Straddling western rear site boundary

Jacaranda minosifolia (Jacaranda) 4.0m  
Culworth Avenue nature strip

Liquidambar styraciflua (Sweet Gum) 10.0m  
Adjacent to Culworth Avenue nature strip in adjoining property

47. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
#1 <i>Chamaecyparis obtusa</i> 'Cripsii' (False Hinoki Cypress) Adjacent to north-east site corner	Removal
#2 <i>Cypress</i> spp. Adjacent to north-east site corner	Removal
#3 <i>Thuja orientalis</i> (Book leaf cypress) Adjacent to north-east site corner	Removal
#4 <i>Thuja orientalis</i> (Book leaf cypress) Adjacent to eastern site corner	Removal
#5 <i>Chamaecyparis obtusa</i> 'Cripsii' (False Hinoki Cypress) Within front setback	Removal
#6 <i>Cypress</i> spp. Within front setback	Removal
#11 <i>Nicotiana glauca</i> (Tree tobacco) Adjacent to northern site boundary	Removal
#12 <i>Prunus serrulata</i> (Cherry) Adjacent to northern site boundary	Removal
#13 <i>Chamaecyparis obtusa</i> 'Cripsii' (False Hinoki Cypress) Adjacent to north-west site corner	Removal
#19 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to eastern site boundary	Removal
#20 <i>Syragus</i> spp. (Cocco's Palm) Adjacent to eastern site boundary	Removal
#22 <i>Cupressus</i> 'Swanes Golden' (Pencil Pine) Within front setback	Removal
#23 <i>Cupressus</i> 'Swanes Golden' (Pencil Pine) Within front setback	Removal
#24 <i>Tibouchina</i> spp. (Tibouchina) Adjacent to eastern site boundary	Removal
#32 <i>Pittosporum eugenoides</i> (Variegated Pittosporum) Within proposed building footprint	Removal
#36 <i>Michellia figo</i> (Port wine magnolia) Within proposed building footprint	Removal

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|---|---------|
| #40 <i>Celtis sinensis</i> (Hackberry)<br>Adjacent to south-east site boundary          | Removal |
| #41 <i>Franklinia axillaris</i> (Gordonia)<br>Adjacent to south-east site corner        | Removal |
| #43 <i>Grevillea robusta</i> (Silky Oak)<br>Adjacent to southern site boundary          | Removal |
| #44 <i>Cuppressus macrocarpa</i> (Cypress)<br>Adjacent to southern site boundary        | Removal |
| #47 <i>Corymbia citriodora</i> (Lemon scented gum)<br>Adjacent to eastern site boundary | Removal |
| #48 <i>Callistemon salignus</i> (Bottlebrush)<br>Adjacent to eastern site boundary      | Removal |
| #49 <i>Callistemon salignus</i> (Bottlebrush)<br>Adjacent to eastern site boundary      | Removal |
| #50 <i>Cuppressus macrocarpa</i> 'Brunniana' (Cypress)<br>Within front setback          | Removal |
| #51 <i>Cuppressus leylandii</i> (Leyland Cypress)<br>Within front setback               | Removal |
| #52 <i>Corymbia citriodora</i> (Lemon scented gum)<br>Within front setback              | Removal |
| #53 <i>Unidentified tree</i><br>Adjacent to southern side setback                       | Removal |
| #55 <i>Franklinia axillaris</i> (Gordonia)<br>Within proposed building footprint        | Removal |
| #56 <i>Callistemon viminalis</i> (Bottlebrush)<br>Within proposed building footprint    | Removal |
48. Landscape works shall be carried out in accordance with Landscape Drawing No LPP/01/E & LPP/02/E prepared by JCA and dated 03/05/2006 submitted with the Development Application, except as amended by the following:
- 50% of proposed tree species planted on site are to be from the Sydney Bluegum High Forest plant community.
  - Trees planted adjacent to the eastern/front site boundary are to be native endemic species consistent with the Sydney Bluegum High Forest plant community, capable of attaining a minimum height of 13.0m. At least four of the proposed trees to be planted within the front setback are to be either *Eucalyptus saligna* (Bluegum) or *Eucalyptus pilularis* (Blackbutt).
  - The private courtyards on the northern side of Units 1-8 of Building A are to have external access to the central pathway for maintenance. The access path is not to exceed 1.0m wide.
  - Proposed tree planting adjacent to the southern site boundary is to consist of a minimum of three differing tree species capable of attaining a

minimum height of 13.0m to promote bio diversity and to visually screen and soften the development.

- Tree #'s 16 and 17 are to be shown to be retained. (The trees have joint ownership with the adjoining property and require joint owners and council's consent for removal).
- Proposed screen planting adjacent to the northern side site boundary is to be altered to a shrub species that is capable of attaining a minimum height of 4.0m to maintain and enhance neighbour amenity.
- The proposed courtyards and planting on the northern side of Building B are to be altered as specified.
- Four (4) Blueberry Ash trees to be provided within the common open space within the northern setback of the development site between tree # 10 and tree # 13.
- Six (6) locally occurring canopy trees capable of reaching 13m at maturity must be provided between buildings A & B.
- The courtyard for Unit 4 (RL 119.5) at the north-eastern corner of Block B is to be deleted and this area is to be integrated into the common landscaped area within the front setback.

49. To maximise landscape amenity and viable deep soil planting for tree planting within the northern side setback of Building B, the private courtyards and fences are to have a minimum setback of 4.0m from the northern side boundary. The four metres zone is to be planted with screening shrubs able to attain a minimum height of 4.0m and include a minimum of four native endemic tree species consistent with the Sydney Bluegum High Forest plant community (which are to be planted with a minimum setback of 2.0m from the site boundary) in addition to smaller feature exotic (deciduous) tree species. All screen and tree planting is to be within the communal ownership of the body corporate rather than under individual ownership of each courtyard. An access pathway for maintenance to the area and private courtyards is to be incorporated and not to exceed 1.0m in width.

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

Tree/Location	Tree Works
<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner	Pruning on eastern side only

51. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

52. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

**Tree/Location      Radius From Trunk**

#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary in neighbouring property	3.0m
#9 <i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to northern site boundary in neighbouring property	3.0m
#10 <i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to northern site boundary in neighbouring property	3.0m
#14 <i>Ilex aquifolium</i> (Holly) Adjacent to north-west site corner in neighbouring property	4.0m
#18 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner	6.0m
#21 <i>Prunus spp</i> (Prunus) Adjacent to eastern site boundary	2.0m
#29 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to western site boundary in neighbouring property	7.0m
#30 <i>Lophostemon confertus</i> (Q'ld Brushbox) Adjacent to western site boundary in neighbouring property	6.0m
Jacaranda minosifolia (Jacaranda) Culworth Avenue nature strip	4.0m
Liquidambar styraciflua (Sweet Gum) Adjacent to Culworth Avenue nature strip in adjoining property	10.0m

53. No mechanical excavation for the approved residential flat building shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner	10.0m

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

Tree/Location	Radius From Trunk
#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary in neighbouring property	3.0m
#9 <i>Elaeocarpus reticulatus</i> (Blueberry Ash)	3.0m

Adjacent to northern site boundary inneighbouring property	
#10 <i>Elaeocarpus reticulatus</i> (Blueberry Ash)	3.0m
Adjacent to northern site boundary inneighbouring property	
#14 <i>Ilex aquifolium</i> (Holly)	4.0m
Adjacent to north-west site corner in neighbouring property	
#18 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
Adjacent to northwest site corner	
#21 <i>Prunus spp</i> (Prunus)	2.0m
Adjacent to eastern site boundary	
#29 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	7.0m
Adjacent to western site boundary in neighbouring property	
#30 <i>Lophostemon confertus</i> (Q'ld Brushbox)	6.0m
Adjacent to western site boundary in neighbouring property	
Jacaranda minosifolia (Jacaranda)	4.0m
Culworth Avenue nature strip	
Liquidambar styraciflua (Sweet Gum)	10.0m
Adjacent to Culworth Avenue nature strip in adjoining property	

55. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

56. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Culworth Avenue as evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
<i>Jacaranda mimosifolia</i> (Jacaranda)	8

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

Species/From	To
#33 <i>Livistona chinensis</i> (Chinese Fan Palm) As shown	As shown
#34 <i>Livistona chinensis</i> (Chinese Fan Palm) As shown	As shown
#45 <i>Livistona australis</i> (Cabbage Tree Palm) As shown	As shown
#46 <i>Livistona chinensis</i> (Chinese Fan Palm) As shown	As shown

58. 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.
59. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
60. 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 Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
61. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
62. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for each building to control the rate of runoff leaving the development site. The minimum volumes of the required on-site detention systems 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.
63. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grates are to be provided to collect driveway runoff. The channel drains shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
64. 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.

65. 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.
66. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
67. 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.
68. Driveways and vehicular access ramps must be designed not to scrape the underside of cars and trucks. 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".
69. The Applicant must obtain a **Section 73 Compliance Certificates** under the *Sydney Water Act 1994*, which relates to the proposed RFB and the Torrens Subdivision approved under this DA. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

70. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no lockable or remote control doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service. Contractors will not accept keys or remote controls.

71. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

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

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

Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the conducted geotechnical inspection, testing, and monitoring programs.

72. Development must be in accordance with BASIX Certificate No. 45392M.

73. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.

74. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.

75. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, re-contoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
76. For safety purposes, depth markers shall be provided at both ends of the pool.
77. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
78. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
79. For the purpose of residential amenity, the exposed external surfaces below concourse level shall be treated and finished off to a smooth surface.
80. To maintain the existing ground levels all spoil shall be removed from the site. Sites shall not be re-shaped, re-contoured, nor the levels on any part of the site altered without the consent of the Council being obtained beforehand.
81. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
82. To ensure compliance with the Swimming Pools Act, 1992, the existing boundary fence, forming part of the safety fencing to enclose the pool shall be upgraded or otherwise so altered or reconstructed so as to comply with the provisions of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools". The overall height of the dividing fence is not to exceed 1.8 metres in height above the natural ground level. Attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owners which may arise in respect of this matter and enquiries in this regard may be made at the nearest Local Court.
83. Due to the possibility of relics being contained within the site, during excavation works the applicant must ensure that should any relics be uncovered, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the 'Heritage Act, 1977' the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location

of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery."

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

84. A report is to be submitted to and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

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

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

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

- Each elevation and selected interiors.
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

#### Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black & White archival quality photographs, contact prints and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

85. 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.

86. 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).

87. 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.
88. A CASH BOND/BANK GUARANTEE of \$10 000.00 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.
89. A CASH BOND/BANK GUARANTEE of \$2 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the

following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the 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/Location	Bond Value
<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-western site corner	\$2,000.00

90. Prior to issue of any Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to approve or endorse lot *consolidation* plans.
91. Prior to issue of the Construction Certificate for the related building, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

92. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:
- a. That vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow for the laden waste collection vehicle to negotiate the exit),
  - b. That the 2.44 metres headroom required by the waste collection vehicle is achieved; and
  - c. That all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.

94. Prior to issue of any Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance

with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

95. Prior to issue of the Construction Certificate for the related building the Applicant must submit, for approval by the Principal Certifying Authority, scaled 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 locations and reduced level of discharge point(s) to the public drainage system.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed to carry for the 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Measures to prevent mosquito breeding and other issues.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
  - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
  - The drainage line adjacent to the southern site boundary is to be relocated so that it has a minimum setback of 3.0m from the southern site boundary to be located immediately adjacent to the northern wall of the proposed above ground on site detention basin.
  - The drainage line adjacent to the western site boundary is to be relocated so that it is located outside of the canopy drip line of existing trees to be retained.

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Stormwater Management Plans by Stephen Fryer, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

96. If it is proposed to carry out the following infrastructure works in the Public Road:
- a. construct a 375mm diameter pipeline from the site to the nearest existing Council drainage structure,

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.

97. Prior to issue of any Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the

Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

98. Prior to issue of any Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
99. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with RailCorp interim Guidelines for applicants in the consideration of rail noise and vibration from the adjacent rail corridor.
100. The applicant is to obtain a report on the electrolysis risk to the development from stray currents, and the measures that will be taken to control the risk. The applicant is advised to consult an electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel prior to the release of the construction certificate.
101. A boundary fence (1.8m high) must be provided from the front building line of Building B along the northern, western and southern boundary to the front building line of Building A to minimise overlooking into adjoining properties at the applicant's expense. The architectural plans must be amended accordingly prior to the release of the construction certificate.
102. Five (5) of the proposed apartments are to be designed with accessible features for disabled persons, and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
103. 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 47  
ADDITIONAL DWELLINGS IS CURRENTLY \$902,800.10. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Killara	\$6,384.75
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

104. 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.

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

105. 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 Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - 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.
  - 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.
  - 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.

106. 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.
107. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
- a. **Describe the anticipated impact of the construction works on:**
    - a. local traffic routes
    - b. pedestrian circulation adjacent to the building site;
    - c. and on-street parking in the local area; and;
  - b. **Describe the means proposed to:**
    - a. manage construction works to minimise such impacts;
    - b. provide for the standing of vehicles during construction;
    - c. provide for the movement of trucks to and from the site, and deliveries to the site; and
  - c. **Show the locations of:**
    - a. any site sheds and any anticipated use of cranes and concrete pumps;
    - b. any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

108. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/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/Location	Radius in Metres
#8 <i>Acer palmatum</i> (Japanese Maple) Adjacent to northern site boundary in neighbouring property	3.0m
#9 <i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to northern site boundary in neighbouring property	3.0m
#10 <i>Elaeocarpus reticulatus</i> (Blueberry Ash)	3.0m

Adjacent to northern site boundary in neighbouring property

#14 *Ilex aquifolium* (Holly) 4.0m

Adjacent to north-west site corner in neighbouring property

#18 *Liquidambar styraciflua* (Sweet Gum) 5.0m

Adjacent to north-west site corner

#21 *Prunus spp* (Prunus) 2.0m

Adjacent to eastern site boundary

#29 *Brachychiton acerifolius* (Illawarra Flame Tree) 6.0m

Adjacent to western site boundary in neighbouring property

#30 *Lophostemon confertus* (Q'ld Brushbox) 5.0m

Adjacent to western site boundary in neighbouring property

109. 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.

110. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:

1. Tree Protection Zone
2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
4. Name, address, and telephone number of the developer/principal certifying authority.

111. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

112. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if repeated pedestrian access or any vehicular/machinery is required:

Tree/Location	Radius in Metres
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#8 <i>Acer palmatum</i> (Japanese Maple)	3.0m
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Adjacent to northern site boundary in neighbouring property

#9 <i>Elaeocarpus reticulatus</i> (Blueberry Ash)	3.0m
---	------

Adjacent to northern site boundary in neighbouring property

#10 <i>Elaeocarpus reticulatus</i> (Blueberry Ash)	3.0m
Adjacent to northern site boundary in neighbouring property	
#14 <i>Ilex aquifolium</i> (Holly)	4.0m
Adjacent to north-west site corner in neighbouring property	
#18 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
Adjacent to north-west site corner	
#21 <i>Prunus spp</i> (Prunus)	2.0m
Adjacent to eastern site boundary	
#29 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	7.0m
Adjacent to western site boundary in neighbouring property	
#30 <i>Lophostemon confertus</i> (Q'ld Brushbox)	6.0m
Adjacent to western site boundary in neighbouring property	

113. 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.

114. Prior to the commencement of bulk excavation works on site, the applicant is to submit the results of the detailed geotechnical investigation comprising cored boreholes. The report is to address such matters as:

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

The recommendations of the report in relation to vibration monitoring and excavation methods and support are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved prior to the commencement of bulk excavation works.

115. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by an independent consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, offset from boundaries and the founding material. It is expected that structures at 21 and 21a Powell Street will require survey. The dilapidation report must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Where the consulting structural/geotechnical engineer is of the opinion that no dilapidation reports are required, then certification to this effect must be provided in lieu.

116. 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 and footpaths;
- Truck turning circles to demonstrate that trucks can manoeuvre in and out of the site without the need to amend parking on the opposite side of Culworth Avenue.
- Plans to demonstrate how concrete pumping will be achieved without the need for the pump or delivery vehicles to encroach into Culworth Avenue and how pedestrians will be managed during these times.
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- Location of any proposed crane standing areas;
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible, and a timeframe for the basement to be made available for construction employee parking.

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

Separate Traffic Control Plans are to be submitted for each stage of the works. They need to be prepared and signed by the suitably qualified (as defined by the RTA Guide Traffic Control at Work Sites) person who will be present on the site during construction.

Traffic controllers (as many as required) are to be available to assist pedestrians across the frontage of the site and stop traffic in Culworth Avenue as necessary during truck movements in and out of the site.

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

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

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

Construction vehicle access is available to and from the Pacific Highway for traffic travelling in all directions via Lorne Avenue, so this will be the heavy vehicle route. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

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

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic engineering consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council Engineers. Allow sufficient time (3 weeks) for review by Council.

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

- Culworth Avenue road reserve including kerb and gutters.

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

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

118. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The

Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

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

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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

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

120. 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 Regulations.
121. The entry doors and basement car parking areas for Buildings A & B must be fitted a card operated security system (not key operated) to achieve safety by

design principles. The entries to the basement car parking areas for Buildings A & B must also be fitted with an intercom system linked to the units to facilitate the use of the visitor car parking spaces. Security lights must also be provided in communal garden areas to further enhance site security without causing a loss of amenity for adjoining properties as a result of unreasonable light spillage

122. 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.
123. 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.
124. 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 crossings in accordance with levels and specifications issued by Council.
  - Completion of drainage works in road reserve.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full repair of any footpath 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.

125. Prior to issue of the Occupation Certificate, the following must be provided to Council (attention Development Engineer):
  - A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - A copy of any works-as-executed drawings required under this consent
  - The Engineer's certification of the as-built system.

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

126. Prior to issue of the Occupation Certificate, the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- That the as-constructed car park complies with the approved Construction Certificate plans,
- That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
- That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.

That the vehicular headroom requirements of:

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

127. Prior to issue of the Occupation Certificate, a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification (based on the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes **specific reference** to all of the following:

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
- That retained water is connected and available for uses listed on the BASIX certificate.
- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all pits 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.
128. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
129. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
  - Gradients of drainage lines, materials and dimensions.
  - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - As built locations of all access pits and grates in the detention on and retention system(s), including dimensions.
  - The size of the orifice or control fitted to any on-site detention system.
  - Dimensions of the discharge control pit and access grates.
  - The maximum depth of storage possible over the outlet control.
  - Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

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

130. Prior to issue of the Occupation Certificate, a maintenance regime shall be prepared for the basement/subsoil stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

131. Prior to issue of the Occupation Certificate, a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:
- According the relevant Australian Standards and guidelines, and
  - According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
  - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
132. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the geotechnical report submitted prior to commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.
133. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed, which should include:
- Culworth Avenue road reserve;
  - 21 and 21A Powell Street.

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

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

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site

Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

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

136. Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B or 88E of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Ku-ring-gai Council.

#### BUILDING CONDITIONS

137. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
138. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The

Risers and Goings shall be uniform throughout the length of the stairway.

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

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

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

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

140. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Air-conditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
  - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
  - h. A Registered Surveyor's Report confirming approved levels of the ground floor.
  - i. A Registered Surveyor's Report confirming approved levels of the first floor.
  - j. A Registered Surveyor's Reports confirming approved floor levels for all floors.

- k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).

**CARRIED UNANIMOUSLY**

230

**Adoption of Council's Companion Animal Management Plan**

.  
File: S03449

To present Council's Companion Animal Management Plan (CAMP) to Council for formal adoption. The Plan sets out the intended actions for the period 2006 to 2011.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That the Companion Animals Management Plan 2006 to 2011 be adopted for implementation.
- B. That Council's Companion Animals Management Committee be thanked for their commitment and effort in preparation of the plan.

**CARRIED UNANIMOUSLY**

231

**Disclosure of Interests Return**

.  
File: S02167

To table Councillor J Anderson's Disclosure of Interests Return in accordance with the Local Government Act 1993.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

That the tabling of Councillor J Anderson's Primary Disclosure of Interests Return be noted.

**CARRIED UNANIMOUSLY**

232     **Investment Cash Flow & Loan Liability as at 31 May 2006**

.  
File: S02722

To present to Council the investment allocation and the performance of funds, monthly cash flow and the details of loan liability for May 2006.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

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

**CARRIED UNANIMOUSLY**

233     **Energy & Water Savings Action Plan**

.  
File: S02166

To adopt Council's draft Energy and Water Savings Action Plan and to seek Council approval to go to tender to enter into an Energy Performance Contract.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That Council adopt the draft Energy and Water Action Plan (see Attachment 1).
- B. That Council submits the adopted Energy and Water Action Plan to the Department of Energy, Utilities and Sustainability in accordance with the *Administration Amendment (Water and Energy Savings) Act 2005*.
- C. That Council initiates a tender process to pursuant to the Local Government (General Regulation 2005) to select an Energy Performance Contractor.
- D. That a report be presented to Council recommending the appointment of an Energy Performance Contractor.

**CARRIED UNANIMOUSLY**

234 **Design Options for Entry Signs**

File: S02425

To report to Council on the preferred options for the design and locations for the erection of Council's entry signs.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That Council endorse the concept designs options as attached to this report.
- B. That the design options for the entry signs be placed on public exhibition for a period of 28 days and that any comments reported back to Council.
- C. That a report be brought back to Council with comments from the consultation process with details of the preferred design and the estimate of cost for the installation of all the entry signs at the preferred locations.

**CARRIED UNANIMOUSLY**

235 **281 Mona Vale Road, St Ives - Demolition of Existing Structures & Construction of a Seniors Living SEPP Development for 5 Units & Basement Parking for 11 Vehicles**

File: DA1444/05-2

Ward: St Ives

Applicant: Mr Francis Azar

Owner: Mr Gary Haddad

To determine development application No. 1444/05 which seeks consent for the demolition of existing structures and the construction of a Seniors Living development comprising a total of 5 units and basement parking for 11 vehicles.

**Resolved:**

(Moved: Councillors Shelley/Ebbeck)

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

That the Council, as the consent authority, grant development consent to DA 1444/05 for the demolition of existing structures and the construction of a SEPP (Seniors Living) development comprising 5 units on land at 281 Mona Vale Road, St Ives, for a

period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 1338/05 and Development Application plans:

<b>Dwg No:</b>	<b>Rev.</b>	<b>Description</b>	<b>Author</b>	<b>Dated</b>	<b>Received</b>
01-16	B	Site Plan	Idraft	28-10-05	11-4-06
05-16	B	Basement Floor Plan	Idraft	28-10-05	11-4-06
06-16	B	Ground Floor Plan	Idraft	28-10-05	11-4-06
07-16	B	First Floor Plan	Idraft	28-10-05	11-4-06
08-16	B	North Elevation	Idraft	28-10-05	11-4-06
09-16	B	South Elevation	Idraft	28-10-05	11-4-06
10-16	B	East Elevation	Idraft	28-10-05	11-4-06
11-16	B	West Elevation	Idraft	28-10-05	11-4-06
12-16	B	Sections	Idraft	20-03-06	11-4-06
13-16	B	Pedestrian Ramp Detail	Idraft	28-10-05	11-4-06
14-16	B	Garbage Bay & Arbour-Elevations	Idraft	28-10-05	11-4-06
15-16	B	Garbage Bay & Fence Elevations	Idraft	20-3-06	11-4-06
01-02	B	Lift Details	Idraft	20-3-06	11-4-06
02-02	A	Adaptable Units	Idraft	28-10-05	11-4-06
01-01	B	Sediment Control Plan	Idraft	28-10-05	11-4-06

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The completed development shall comply in all respects with the BASIX certificate commitments given on certificate No. 43920M, or as amended and re-issued for the same development. Each unit shall be finished in accordance with the BASIX certificate to the satisfaction of the Principle Certifying Authority.
5. The approved building works shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the

right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. 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.

16. 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.

17. 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.
18. The fence and footings shall be constructed entirely within the boundaries of the property.
19. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
20. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
21. 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.
22. 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.

23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. 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.
25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

31. 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.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. 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.
36. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments.
37. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

38. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
39. 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.
40. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
41. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
42. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
43. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with

the minimum requirements of Australian Standard 2890.1 (2004) “Off-Street car parking”.

44. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

45. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical engineering aspects of the development work, namely:

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

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

46. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report prepared prior to commencement of works. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

47. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.

48. 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.

49. 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.
50. 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.
51. 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.
52. External paved access for vehicles and pedestrians being provided with material which will provide some contrast to the finish of the pavement to the satisfaction of the Principal Certifying Authority.
53. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
54. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

**No/Tree/Location****Tree Works**8/*Quercus robur* (English Oak)

Remove

Adjacent to the site's northern boundary and  
towards its north-western corner.

Near dead *Eucalyptus saligna* (Sydney Blue Gum) Remove  
Close to the centre of the site rear (eastern) boundary  
between Trees 3 & 4.

55. To ensure preservation of Tree 12 – *Eucalyptus saligna* (Sydney Blue Gum) no excavation for the driveway shall extend beyond the existing brick wall at its south-western corner. The driveway shall curve from the line of the existing brick wall at the Mona Vale Road boundary to meet the amended driveway and 6 x 5.5 metres passing area as shown on Dwg No 06-16 of Job No 27181 Issue B prepared by **Idraft Plans Pty Ltd**.
56. To avoid deep excavation within 6 metres of the trunk of Tree 13 – *Eucalyptus saligna* (Sydney Blue Gum) at the site's Mona Vale Road frontage the northern section of the pedestrian ramp shown on Dwg No 13-16 of Job No 27181 Issue B prepared by **Idraft Plans Pty Ltd** shall be relocated and extended to permit the ramp to access the Mona Vale Road footpath at 90°. The garbage bay's position shall be adjusting to suite the amended pedestrian ramp and its entry shall be located at a landing for ease of access by wheel chairs.

57. To protect the root system of Tree 9 – *Quercus robur* (English Oak) the patio at the northern side of Unit 01 shall be suspended on piers.
58. Canopy pruning of the following tree which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

**No/Tree/Location**

9/*Quercus robur* (English Oak)/Close to the site's northern boundary and near its northwestern corner.

59. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
60. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period:

**No/Tree/Location****Radius From Trunk**

11/*Eucalyptus microcorys* (Tallowood)  
Close to the site's north-western corner.

4 metres

12/*Eucalyptus saligna* (Sydney Blue Gum)  
Close to the southern side of the driveway and  
Mona Vale Road boundary.

6 metres

13/*Eucalyptus saligna* (Sydney Blue Gum)  
Close to the site's Mona Vale Road boundary  
and towards its south-western corner.

6 metres

61. No mechanical excavation for the approved DRIVEWAY and RETAINING WALL shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

**No/Tree/Location****Radius From Trunk**

11/*Eucalyptus microcorys* (Tallowood)  
Close to the site's north-western corner.

4 metres

12/*Eucalyptus saligna* (Sydney Blue Gum)  
Close to the southern side of the driveway  
and Mona Vale Road boundary.

6 metres

13/*Eucalyptus saligna* (Sydney Blue Gum)  
Close to the site's Mona Vale Road boundary  
and towards its south-western corner.

6 metres

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

<b>No/Tree/Location</b>	<b>Radius From Trunk</b>
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11/ <i>Eucalyptus microcorys</i> (Tallowood) Close to the site's north-western corner.	4 metres
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12/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the southern side of the driveway and Mona Vale Road boundary.	6 metres
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13/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the site's Mona Vale Road boundary and towards its south-western corner.	6 metres
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63. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

<b>No/Tree/Location</b>	<b>Radius From Trunk</b>
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12/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the southern side of the driveway and Mona Vale Road boundary.	6 metres
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13/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the site's Mona Vale Road boundary and towards its south-western corner.	6 metres
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64. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
65. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along MONA VALE ROAD. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

<b>Tree Species</b>	<b>Quantity</b>
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<i>Tristaniopsis laurina</i> (Water Gum)	2
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66. To enhance native vegetation and promote biodiversity the Landscape Plan is to incorporate at least 25% of the overall number of trees and shrubs as locally occurring native plant species selected from the Sydney Blue Gum High Forest Endangered Ecological Community. Other plantings shall be of non invasive plant species.

67. 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.
68. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

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

69. 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.

70. 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).
71. 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.

72. 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.
73. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Construction Certificate.
74. 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 FIVE (5) ADDITIONAL DWELLINGS IS CURRENTLY \$23,464.43. 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 - St Ives	\$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

75. 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.

76. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

Vehicular access can be obtained using grades of 25% (1 in 4) maximum, and

All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

77. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- The dimensions of all parking spaces including lengths and widths comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions.

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

78. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

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

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- **Pits and pipes are to be clear of Tree Protection Zones.**  
Proposed drainage pit (P11) to be relocated further from Tree 12 and the drainage line across the Mona Vale Road frontage to be located

immediately behind the retaining wall to minimise the extent of excavation within the root zone of Trees 12 and 13. Further pits: P2, P3 and P4 are excessive for their locations and are to be replaced by smaller pits along the southern side boundary planting strip, and pit: P2 should be located immediately behind the retaining wall as are pits: P3, P4, P5 and P6. The detention tank is to be mostly located beneath the garbage bay and pedestrian ramp to minimise built upon area.

- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- Water quality measures to address Chapter 8 of DCP 47.
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Concept Plan 3778-C1 and C2 by Haddad Khalil Mance Arraj Partners submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

80. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
81. The property shall support a minimum number of 8 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 1 additional tree to be planted, shall be shown on the Landscape Plan. 25% of the canopy trees to be planted are to be locally occurring native trees.
82. The submitted landscape plan Dwg No 05193DA1 & 2 Rev. A prepared by Vision Dynamics Landscape Design and dated 7.12.05 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. 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 and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- Screen planting of the northern and southern boundaries shall incorporate species of type suitable for the site conditions and location on site, of 300 mm pot size capable of attaining a height of 5 metres and be maintained at a height of 5 metres.

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

The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.

84. A CASH BOND/BANK GUARANTEE of \$10,000.00 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.

85. A CASH BOND/BANK GUARANTEE of \$14,000.00 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:

<b>No/Tree/Location</b>	<b>Bond Value (\$)</b>
3/ <i>Liquidambar styraciflua</i> (Liquidambar) Close to the centre of the site's rear (eastern) boundary.	1,000.00
4/ <i>Liquidambar styraciflua</i> (Liquidambar) Close to the centre of the site's rear (eastern) boundary.	1,000.00
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the site's rear boundary and towards its northeastern corner.	3,000.00
5/ <i>Eucalyptus pilularis</i> (Blackbutt) Close to the site's north-eastern corner.	3,000.00
11/ <i>Eucalyptus microcorys</i> (Tallowood) Close to the site's north-western corner.	1,000.00
12/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the southern side of the driveway and Mona Vale Road boundary.	3,000.00
13/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the site's Mona Vale Road boundary and towards its south-western corner.	2,000.00

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

86. So as to minimise glare the proposed roof material will comply with the all requirements of the Building Code of Australia and the relevant Australian standards.

In order to ensure the development does not detract from the appearance of adjoining buildings and surrounding areas, a schedule of colours and finishes for all external works shall be submitted to the Principal Certifying Authority and approved in writing prior to the commencement of work. All external materials, finishes and colours shall be sympathetic to the surrounding natural and built environment. All external surfaces shall be finished to the final satisfaction of the Principal Certifying Authority.

87. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
88. 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.

89. Prior to the commencement of bulk excavation, the applicant is to carry out a geotechnical investigation which includes at least three boreholes drilled to at least one metre below proposed basement level. A report is to be prepared by a suitably qualified and experienced geotechnical engineer and submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed. Matters to be addressed in the report include:
- Excavation conditions and support;
  - Vibrations, vibration monitoring and control;
  - Dilapidation survey of adjoining structures;
  - Likely groundwater inflow to permanent subsoil drainage system and whether the site is subject to a high water table.
90. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of neighbouring structures within 277, 277A Mona Vale Road and 283 Mona Vale Road which are closest to the boundary with the subject property. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
91. 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,
    - The locations of proposed Work Zones in the frontage roadways,
    - Location of any proposed crane standing areas
    - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
    - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
    - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
  - **Traffic Control Plan(s) for the site**
    - All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development

- requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
  - **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided**
    - Light traffic roads and those subject to a load or height limit must be avoided at all times.
    - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
    - In addition, the plan must address:
      - Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
      - A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
      - Minimising construction related traffic movements during school peak periods.
      - For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
      - The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.
92. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the full road pavement width, including kerb and gutter, of Mona Vale Road southbound over the site frontage.

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

that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

93. Prior to the commencement of any works on site, the applicant is to liaise with Council's Open Space Section to arrange for the trimming of vegetation in the Mona Vale Road reserve to improve sight distance for vehicles leaving the site. This work is to be at no cost to Council or the RTA.
94. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/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.

<b>No/Tree/Location</b>	<b>Radius in Metres</b>
3/ <i>Liquidambar styraciflua</i> (Liquidambar) Close to the centre of the site's rear (eastern) boundary.	6 metres
4/ <i>Liquidambar styraciflua</i> (Liquidambar) Close to the centre of the site's rear (eastern) boundary.	6 metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the site's rear boundary and towards its northeastern corner.	6 metres
5/ <i>Eucalyptus pilularis</i> (Blackbutt) Close to the site's north-eastern corner.	6 metres
6/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to the site's northern boundary and towards its north-eastern corner.	3 metres

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

<b>No/Tree/Location</b>	<b>Radius From Trunk</b>
9/ <i>Quercus robur</i> (English Oak) Close to the site's northern boundary and near its northwestern corner.	4 metres
10/ <i>Pinus patula</i> (Mexican Pine)	4 metres

Close to the site's northern boundary and near its north-western corner.

11/*Eucalyptus microcorys* (Tallowood) 4 metres  
Close to the site's north-western corner.

12/*Eucalyptus saligna* (Sydney Blue Gum) 6 metres  
Close to the southern side of the driveway and Mona Vale Road boundary.

13/*Eucalyptus saligna* (Sydney Blue Gum) 6 metres  
Close to the site's Mona Vale Road boundary and towards its south-western corner.

96. 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.
97. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  1. Tree Protection Zone;
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted;
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works;
  4. Name, address, and telephone number of the developer.
98. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% *Eucalyptus* leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
99. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

100. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with

this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

101. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the Principle Certifying Authority shall ensure that the development complies with the relevant design standards of clauses 52(1), 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 & 71 of State Environmental Planning Policy (Seniors Living) 2004. The purpose of this condition is to ensure that the completed development meets the needs of seniors or people with a disability and that the development complies fully with the requirements of SEPP Seniors Living 2004.
102. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
103. Prior to issue of the Occupation Certificate, the applicant is to repair the trip hazards in the footpath between the subject site and the bus stop(s). New footpath is to be in accordance with Council's standard detail. The applicant should contact Council's Development Engineer for an inspection prior to pouring the new slabs.
104. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
  - New concrete driveway crossing in accordance with levels and specifications issued by Council.
  - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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.

105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88 E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of

Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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

- 107 Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- A copy of any works-as-executed drawings required under this consent
- The Engineer's certification of the as-built system.

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

108. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
109. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- That the as-constructed carpark complies with the approved Construction Certificate plans,
  - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” and also the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions provided,
  - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”,
    - the Seniors Living SEPP (as last amended) for accessible parking spaces, are met from the public street into and within the applicable areas of the basement car park.
110. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
  - That the minimum retention 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 specified in the BASIX commitments.
  - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
  - That all grates potentially accessible by children are secured.
  - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
  - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
  - The following certification sheets **must be accurately completed and attached** to the certification:
    - Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
    - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
111. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal

Certifying Authority for approval prior to issue of the Occupation Certificate.  
The WAE survey must indicate:

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

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

112. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
113. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
  - According the relevant Australian Standards and guidelines, and
  - According to any approved Geotechnical report undertaken for the development, and
  - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
114. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted prior to commencement of bulk excavation and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

115. Prior to release of the Occupation Certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- 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.
  - People who live with such people as defined in (a) above.
  - Staff employed to assist in the administration of and provision of services to housing provided in this development.
116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed:
- 277, 277A and 283 Mona Vale Road;
  - Mona Vale Road southbound including kerb and gutter.
- The report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
117. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate:

No/Tree/Location	Time of inspection
3/ <i>Liquidambar styraciflua</i> (Liquidambar) Close to the centre of the site's rear (eastern) boundary.	Demolition, excavation, drainage and landscape stages
4/ <i>Liquidambar styraciflua</i> (Liquidambar) Close to the centre of the site's rear (eastern) boundary.	Demolition, excavation, drainage and landscape stages
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the site's rear boundary and towards its north-eastern corner.	Demolition, excavation, drainage and landscape stages
5/ <i>Eucalyptus pilularis</i> (Blackbutt) Close to the site's north-eastern corner.	Demolition, excavation, drainage and landscape stages

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| <p>6/<i>Pittosporum undulatum</i> (Sweet Pittosporum)<br/>Adjacent to the site's northern boundary and towards its north-eastern corner.</p> | <p>Demolition,<br/>excavation</p>  |
| <p>9/<i>Quercus robur</i> (English Oak)<br/>Close to the site's northern boundary and near its north-western corner</p>                      | <p>Demolition,<br/>excavation,<br/>drainage and<br/>landscape stages</p> |
| <p>10/<i>Pinus patula</i> (Mexican Pine)<br/>Close to the site's northern boundary and near its north-western corner</p>                     | <p>Demolition,<br/>excavation,<br/>drainage and<br/>landscape stages</p> |
| <p>11/<i>Eucalyptus microcorys</i> (Tallowood)<br/>Close to the site's north-western corner.</p>   | <p>Demolition,<br/>excavation,<br/>drainage and<br/>landscape stages</p> |
| <p>12/<i>Eucalyptus saligna</i> (Sydney Blue Gum)<br/>Close to the southern side of the driveway and Mona Vale Road boundary.</p>            | <p>Demolition,<br/>excavation,<br/>drainage and<br/>landscape stages</p> |
| <p>13/<i>Eucalyptus saligna</i> (Sydney Blue Gum)<br/>Close to the site's Mona Vale Road boundary and towards its south-western corner</p>   | <p>Demolition,<br/>excavation,<br/>drainage and<br/>landscape stages</p> |
118. Noxious and/or environmental weed species shall be removed from the property prior to the issue of the Occupation Certificate. Documentary evidence of the compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate:
- Plant species
- Acacia baileyana* (Cootamundra Wattle)
  - Asparagus densiflorus* (Asparagus Fern)
  - Cotoneaster sp.* (Cotoneaster)
  - Hedera helix* (English Ivy)
  - Jasminum polyanthum* (Jasminum)
  - Ligustrum lucidum* (Large-leaved Privet)
  - Ligustrum sinense* (Small-leaved Privet)
  - Nephrolepis cordifolia* (Fishbone fern)
  - Ochna serrulata* (Ochna)
  - Senna pendula* (Cassia)
  - Tradescantia albiflora* (Wandering Jew)
  - Wisteria sp.* (Wisteria Vine)

119. 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.
120. 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
121. Prior to issue of an Occupation Certificate, a sign is to be erected and maintained at all times by the Body Corporate adjacent to the visitor parking space which indicates a maximum parking period of four (4) hours

### **BUILDING CONDITIONS**

122. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
123. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
124. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

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

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

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

*For the Resolution:*

*The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Ebbeck, Lane, Ryan, Shelley &  
Anderson*

*Against the Resolution: Councillor Hall*

236 **Town Centres Planning - Extraordinary Meetings of Council**

File: S04151

To request Council to hold two extraordinary meetings in July and August 2006, to allow Council to consider the draft Local Environmental Plan and draft Development Control Plan for Gordon and Pymble Centres in late July and for Lindfield and Roseville in August 2006.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That an extraordinary meeting of Council be held on 26 July 2006 to consider the draft Local Environmental Plans and draft Development Control Plans for Gordon and Pymble centres.
- B. That an extraordinary meeting of Council be held on 17 August 2006 to consider the draft Local Environmental Plans and draft Development Control Plans for Lindfield and Roseville centres.

**CARRIED UNANIMOUSLY**

237 **29 to 33 Dumaresq Street, Gordon - Demolition of 3 Dwelling Houses & Construction of 2 Residential Flat Buildings Comprising 35 Units & Basement Car Parking for 46 Vehicles**

File: DA0581/05-2

Ward: Gordon

Applicant: Dugald Mackenzie

Owners: Mr J A Johnson and Mrs H F Johnson; Johnson Media Management Pty Ltd;  
Mr P & Mrs H Zwolanski

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

**C Young  
J Knowles  
D McKenzie**

**Councillor Ebbeck withdrew &  
returned during addresses**

**Councillor Hall withdrew during discussion**

To determine development application No 581/05, which seeks consent for the demolition of 3 residential dwelling houses and construction of 2 residential flat buildings comprising a total of 35 units and basement car parking for 46 vehicles.

**Resolved:**

(Moved: Councillors Lane/Ryan)

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

That the Council, as the consent authority, grant development consent to DA 581/05 for the demolition of three (3) dwellings and associated structures and the construction of two residential flat buildings, comprising thirty five(35) units and basement parking, for a period of two (2) years from the date of the Notice of determination, subject to the following conditions:

**GENERAL**

1. The development to be in accordance with Development Application No 581/05 and Development Application plans prepared by Dugald Mackenzie and Associates Architects, dated 12 May 2005, Revision C, dated 10 April 2006, SK01c, SK05c, SK06c, SK07c, SK08c, SK09c, SK10c, SK11c, SK12c, SK13c, SK14c, SK16-SK19c, SK22, SK23 and Landscape Plan Drawing No LPP/01/C, dated 19 April 2006 and lodged with Council on 8 May 2006.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

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

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

- b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
19. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

20. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the occupation certificate.
22. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
23. 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.
24. 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.
25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.

28. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
29. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
30. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.  
  
The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
31. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
32. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
33. 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.
34. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
35. 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.

36. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
37. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
38. Fire hoses are to be maintained on site during the course of demolition.
39. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
40. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
41. 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.
42. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
43. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
44. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
45. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
46. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

47. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
48. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
49. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
50. 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.
51. 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.
52. 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.
53. 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.

54. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
55. 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.
56. 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".
57. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
58. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
59. To maintain fauna egress through the site and riparian zone, fencing located within the riparian zone is to be an open palisade style rather than a solid paling or lap and cap timber fence.

60. To maintain existing and future landscape amenity, the proposed 1.8m high fence proposed adjacent to the eastern and western site boundaries within the front setback is to be an open palisade style.
61. Removal, or pruning of the following trees, is not approved as part of this Development Application:
- Tree/ Location
- #1 *Pistacia chinensis* (Chinese Pistacio)  
Dumaresq St nature strip
- #2 *Pistacia chinensis* (Chinese Pistacio)  
Dumaresq St nature strip
- #3 *Eucalyptus cinerea* (Argyle Apple)  
Adjacent to south- east site corner
62. Landscape works shall be carried out in accordance with Landscape Drawing No LPP/01/C prepared by JCA and dated 19/04/2006 submitted with the Development Application, except as amended by the following:
- An additional endemic ‘tall’ canopy tree is to be planted within the front setback located equidistant between the pedestrian and vehicular access.
  - A grove of three *Syncarpia glomulifera* (Turpentine) is to be located between the two proposed buildings adjacent to the western site boundary, with a minimum setback from the western side boundary of three metres.
  - An additional two *Syncarpia glomulifera* (Turpentine) are to be planted between the two proposed buildings adjacent to the eastern site boundary with a minimum setback of three metres from the eastern side boundary.
  - An additional ‘tall’ canopy tree that can attain a minimum height of 13.0m is to be located centrally between the two proposed buildings within the deep soil landscape area.
  - The proposed *Eucalyptus paniculata* (Grey Ironbark) and *Angophora costata* (Sydney Redgum) are to be planted with a minimum setback from the northern rear site boundary of 3.0m.
  - Three additional trees with a minimum mature height of 13m are to be planted within the western side setback to the rear building.
63. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
64. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
65. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

**Tree/Location      Radius From Trunk**

#1 <i>Pistacia chinensis</i> (Chinese Pistacio)	5.0m
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Dumaresq St nature strip

#2 *Pistacia chinensis* (Chinese Pistacio) 5.0m

Dumaresq St nature strip

#3 *Eucalyptus cinerea* (Argyle Apple) 6.0m

Adjacent to south-east site corner

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

Tree/Location	Radius From Trunk
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#1 <i>Pistacia chinensis</i> (Chinese Pistacio)	5.0m
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Dumaresq St nature strip

#2 <i>Pistacia chinensis</i> (Chinese Pistacio)	5.0m
---	------

Dumaresq St nature strip

#3 <i>Eucalyptus cinerea</i> (Argyle Apple)	6.0m
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Adjacent to south-east site corner

67. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

68. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Dumaresq St as an evenly spaced formal avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
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<i>Syncarpia glomulifera</i> (Turpentine)	3
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69. 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.
70. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
71. Openable highlight windows are to be provided in the kitchens and studies of the following; Units 3, 4, 9, 10, 13, 14, 19, 20, 23, 24, 27, 28, 31 and 32.
72. Openable highlight windows are to be provided for Bedrooms 2 and 3 and the ensuite in Unit 18; and Bedroom 2 and ensuite in Unit 21.
73. Highlight windows in Bedroom 3 of Units 22, 24, 26, 29, 30, 33, 34 and 35; and the study in Units 34 and 35 are to be replaced by full size windows.
74. Windows are to be provided in the south wall of Bedroom 2 of the following; Units 22, 24, 25, 26, 29, 30, 33, 34 and 35.
75. The bridge connecting the two buildings is to be clad in translucent or opaque material to above eye level to ensure privacy.

76. Windows within the common corridor on the ground floor (opposite Units 3 and 4), the first floor (opposite Units 23 and 24), the second floor (opposite Units 9 and 10) and the third floor (opposite Units 13, 14, 31 and 32) are to be openable.
77. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
78. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
79. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
80. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
81. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
82. 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.
83. 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.
84. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
85. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
86. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
87. 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. In this regard, please note that disability access must be provided at all communal areas of the development including the riparian area at the rear and the required drying area. You are advised to seek advice from the Human

Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.

88. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
89. The balconies of Units 2, 3, 4, 5, 19, 20, 24, 27, 28, 31 and 32 do not comply with the minimum requirement of 12m<sup>2</sup> and shall be increased in size to comply. The balconies of Units 22, 25, 26, 29, 30 and 33 do not comply with the minimum requirement of 15m<sup>2</sup> and shall be increased in size to comply. The increase in balcony sizes shall be achieved by reducing the living areas of the respective units and not by extending their balconies beyond the allowable 1.2m from the building wall as referred to in Control C-6 of Section 4.4 of DCP55.
90. Private courtyards in the eastern side setback area of the development adjoining No. 27 Dumaresq Street shall not be permitted. This area shall be communal area and shall be provided with additional screen planting to a height of 6m to improve privacy to the dwelling at No. 27 Dumaresq Street.
91. Ground level terraces are to achieve a size of 25m<sup>2</sup> which may be achieved by extending into the communal area, in which case, the 25m<sup>2</sup> is to be the maximum size of the terrace. Units 19 and 20 are exceptions and may not extend any further into the communal area (riparian zone). Units 18 and 21 may not extend more than 3 metres from the northern wall of the building. Where the 25m<sup>2</sup> cannot be achieved, the living area or number of bedrooms of units should be reduced to comply with this control.
92. A screened drying area shall be provided in the eastern side setback of the development.

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

93. 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.
94. 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).

95. 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.
96. 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.
97. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
98. All bathroom windows are to be of translucent glazing to minimise overlooking to the adjoining properties. Details are to be shown on the Construction Certificate plans.
99. 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 33  
ADDITIONAL DWELLINGS IS CURRENTLY \$752,413.35. The amount of

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

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Gordon	\$8,223.35
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

100. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
101. 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.

102. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be obtained using grades of 23% maximum (to allow the laden garbage collection vehicle to exit the site, all efforts are to be made to reduce the grades to 20% or below), and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

103. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

104. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
105. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - Water quality measures as required by DCP 47 Chapter 8.
  - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
  - Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the BCA. The plans may be generally based on the stormwater drainage plans prepared by Stephen R. Fryer (Issue C) for Development Application approval, which are to be advanced as necessary for construction issue purposes.

106. 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 proposed works on the watercourse at the rear boundary. The plan(s) must include cross-sectional detail which demonstrates that the watercourse will have sufficient capacity for the 100 year ARI flow, or if not, how such flow is to be managed, and that the works will not adversely impact the subject development or neighbouring properties. The construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.

107. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
108. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
109. To preserve the following tree/s, footings of the proposed front fence 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 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

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

Tree/Location	Radius in Metres
#1 <i>Pistacia chinensis</i> (Chinese Pistacio) Dumaresq St nature strip	5.0m
#2 <i>Pistacia chinensis</i> (Chinese Pistacio) Dumaresq St nature strip	5.0m
#3 <i>Eucalyptus cinerea</i> (Argyle Apple) Adjacent to south-east site corner	6.0m

110. A CASH BOND/BANK GUARANTEE of \$10 000.00 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.

111. A CASH BOND/BANK GUARANTEE of \$4 000.00 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/Location	Bond Value
#1 <i>Pistacia chinensis</i> (Chinese Pistacio) Dumaresq St nature strip	\$1,000.00
#2 <i>Pistacia chinensis</i> (Chinese Pistacio) Dumaresq St nature strip	\$1,000.00
#3 <i>Eucalyptus cinerea</i> (Argyle Apple) Adjacent to south-east site corner	\$2,000.00

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

112. So as to minimise glare, the roof is to be of subdued colour which is compatible with the surrounding environment. A schedule of external finishes is to be submitted to and approved by the Council prior to the commencement of work.
113. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
114. Prior to the commencement of bulk excavation, a geotechnical investigation comprising at least three boreholes drilled to 1 metre below basement level is to be carried out. The report of this investigation is to be submitted to the Principal Certifying Authority, or Council if no PCA has been appointed. Recommendations for excavation methods and support, vibration monitoring,

frequency of geotechnical inspections and groundwater management are to be included in the report.

115. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report submitted in accordance with another condition of this consent. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection as recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
116. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.
117. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered and the works are not to commence until approval has been granted. The designs are to include details of the following:
- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - That the locations of the rock anchors are registered with Dial Before You Dig
  - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

118. Prior to the commencement of demolition works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of structures at 27 and 35 Dumaresq Street.

The report must be completed by a consulting structural/geotechnical engineer. A written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

119. 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,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

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

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

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

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

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

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- Employee parking shall be provided in the basement as soon as practicable, with a timeframe included in the TMP for this.

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

120. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

121. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural

condition (**including a photographic record** ) of the following public infrastructure:

- Full road pavement width, including kerb and gutter, of Dumaresq Street over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

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

The developer may be held liable for any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

122. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/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/Location	Radius in Metres
#1 <i>Pistacia chinensis</i> (Chinese Pistacio) Dumaresq St nature strip	2.0m
#2 <i>Pistacia chinensis</i> (Chinese Pistacio) Dumaresq St nature strip	2.0m
#3 <i>Eucalyptus cinerea</i> (Argyle Apple) Adjacent to south-east site corner	6.0m

123. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
124. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
  4. Name, address, and telephone number of the developer/principal certifying authority.

125. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
126. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if repeated pedestrian or vehicular access is proposed:

Tree/Location

#3 *Eucalyptus cinerea* (Argyle Apple)  
Adjacent to south-east site corner

127. Existing trees and vegetation on the site shall not be disturbed except with the written approval of Council and the following tree/s shall be fenced off before demolition commences.

Tree/Location

Radius From Trunk

#1 *Pistacia chinensis* (Chinese Pistacio)  
Dumaresq St nature strip

2.0m

#2 *Pistacia chinensis* (Chinese Pistacio)  
Dumaresq St nature strip

2.0m

#3 *Eucalyptus cinerea* (Argyle Apple)  
Adjacent to south-east site corner

6.0m

128. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

129. 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.
130. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.

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

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

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.

132. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- A copy of any works-as-executed drawings required under this consent
- The Engineer's certification of the as-built system.

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

133. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
134. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed car park complies with the approved Construction Certificate plans,

- That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
- That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.

That the vehicular headroom requirements of:

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

135. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
- That retained water is connected and available for uses including toilet flushing, clothes washing and irrigation.
- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets must be accurately completed and attached to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

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

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

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

137. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
138. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
- According the relevant Australian Standards and guidelines, and
  - According to any approved Geotechnical report undertaken for the development, and
  - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
139. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted before commencement of works, and the professional geotechnical

input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

140. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at 27 and 35 Dumaresq Street.

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

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

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

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

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and

retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

143. Prior to the issue of the Occupation Certificate, an easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
144. Noxious and/or environmental weed species shall be removed from the property prior to the issue of the Occupation Certificate. Documentary evidence of the compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate:
145. 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.
146. 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.
147. Units 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 shall have storage space provided in accordance with the requirements of Control C-6 of Section 4.5.4 of DCP 55 (ie 8m<sup>3</sup> for two-bedroom units and 10m<sup>3</sup> for three-bedroom units.).

*For the Resolution:*                      *Councillors Cross, Ebbeck, Lane, Ryan & Anderson*

*Against the Resolution:*              *The Mayor, Councillor E Malicki, Councillors Andrew & Shelley*

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## **Potential Heritage Item Review**

File: S04325

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

**B Grey**  
**F Moore**  
**B Meldrum-Hanna**  
**B Blenkinship**

**Councillor Hall returned during addresses**

For Council to consider the report and recommendations prepared by independent consultants Perumal Murphy Alessi on the review of 154 potential heritage items across the Ku-ring-gai Local Government Area and place the report on non-statutory public exhibition to seek comments from the public on the review.

**Resolved:**

(Moved: Councillors Shelley/Andrew)

- A. That Council place the Potential Heritage Item Review Report on non-statutory public exhibition for a period of 28 days.
- B. That No 20 Nelson Road, Lindfield be subject to further heritage and urban design analysis and review as part of the Lindfield town centre program and that the matter be brought back to Council as part of the Lindfield centre planning process.
- C. That Council notifies all affected residents of its decision, including dates for the exhibition period and seeking comment.
- D. That a report be brought back to Council at the end of the non-statutory exhibition period with final recommendations as to the inclusion of heritage properties in the Comprehensive Local Environmental Plan.
- E. That the submissions made to date on heritage inventory sheets be reviewed and taken into consideration as part of the proposed exhibition period.
- F. That the headings to the report be changed as requested prior to exhibition.

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

*Against the Resolution:   Councillor Hall*

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

*(Moved: Councillors Hall/Lane)*

*That the Potential Heritage Item Review Report be deferred for further detailed representations from affected owners or their nominee, within a period of three months when a further report be referred to Council for its consideration and the question of a non-statutory public exhibition be undertaken.*

**Councillor Hall withdrew**

**Council adjourned for a short interval at 9.20pm  
after a Motion moved by the Mayor, Councillor Malicki & Councillor Ryan  
was CARRIED and the Chairperson ruled accordingly.**

**The Meeting resumed at 9.32pm**

Those present were:

The Mayor, Councillor Malicki  
Councillor Andrew  
Councillor Cross  
Councillor Ebbeck  
Councillor Anderson  
Councillor Ryan

239 **Metropolitan Strategy**

Files: S02315, S02342

For Council to consider its position for sharing of dwelling and employment targets with Hornsby LGA toward the Northern subregion component of the Metropolitan Strategy.

**Resolved:**

(Moved: Councillors Cross/Ebbeck)

- A. That the Mayor, General Manager and Director Open Space and Planning be delegated to resolve the matter with Hornsby Council (including their Mayor and staff as appropriate).
- B. That staff enter yield and centre typology consistent with the tables outlined in this report and final figures negotiated with Hornsby Council into the Model.
- C. That a further briefing be provided for Councillors to outline the final makeup of Council's input to the Model.
- D. That the final number of dwellings allocated to Ku-ring-gai as a component of the Sydney North Sub-Region dwelling target be formally reported to Council.

**CARRIED UNANIMOUSLY by those present**

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

Councillor Ebbeck raised the matter of the establishment of a new Facilities Committee with a view to having it operating before the next Council Meeting.

**Councillors Hall, Lane & Shelley  
returned during discussion**

A Motion moved by Councillors Ebbeck & Cross to have the matter dealt with at the meeting was CARRIED.

*For the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck, Hall,  
Lane, Ryan, Shelley & Anderson*

*Against the Resolution: The Mayor, Councillor E Malicki*

*The Mayor ruled against Urgency  
and the matter was not dealt with*

**QUESTIONS WITHOUT NOTICE****240 Lot Amalgamations - DCP 55**

File: S04019

Question Without Notice from Councillor T Hall

In view of the contents of the Director Open Space & Planning's letter of 20 June 2006 to the Eden-Brae Neighbourhood Association, St Ives on Issue 2 - Amalgamations - which I table and request that should the Council repeal its lot amalgamation controls in DCP55 in view of this latest staff advice and given that in the Mayoral Minute of 21 August 2001, the then Planning Minister told the then Council that restrictions including lot amalgamations was one reason for his rejection of Stage 1 of the Residential Development Strategy?

**Answer by the Director Open Space & Planning**

I'll take that Question on notice & will provide a response to all Councillors.

241 **St Ives Village Green - Aquatic Study**

File: S04066

Question Without Notice from Councillor T Hall

In view of the decision made tonight on the St Ives Village Green, could the staff advise the St Ives Progress Association who will be discussing this matter tomorrow night at its meeting of the Council's decision please?

**Answer by the Director Open Space & Planning**

Yes, I'll endeavour to provide that information to the Association tomorrow.

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

That a Site Inspection take place on Saturday, 1 July 2006 commencing at 9.00am at the following property:

1 Kintore Street, Wahroonga

*Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following item  
moved by Councillors Ebbeck & Andrew  
and was CARRIED UNANIMOUSLY*

242 **General Manager's Contract**

*(Section 10A(2)(a) - Personnel matters concerning particular individuals)*

File: S04516

Report by the Mayor, Councillor E Malicki dated 22 June 2006.

**Councillors Hall & Cross withdrew during debate**

**Resolved:**

(Moved: Councillors Lane/Andrew)

- A. That Council approve the proposed contract with the General Manager for signing, and that the proposed performance agreement be presented to Council shortly.

B. That Schedule B agree with the original resolution of Council.

**CARRIED UNANIMOUSLY by those present**

*To Open Council*

The Mayor adverted to the consideration of the matter referred to in the Minute Number 241, and to the resolution contained in such Minute Number.

*The Meeting closed at 10.04pm*

The Minutes of the Ordinary Meeting of Council held on 27 June 2006 (Pages 1 - 109) were confirmed as a full and accurate record of proceedings on 18 July 2006.

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General Manager

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Mayor / Chairperson