

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 28 FEBRUARY 2006

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

Staff Present: Acting General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Director Community Services (Janice Bevan)
Acting Director Finance & Business (John Clark)
Manager Development Assessment Services (Matthew Prendergast)
Manager Urban Planning (Antony Fabbro)
Senior Urban Planner (Bill Royal)
Strategic Planner (Craig Wyse)
Senior Governance Officer (Geoff O'Rourke)
Director Development & Regulation's PA (Judy Murphy)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

No such interest was declared.

34 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillor Cross/Ryan)

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 Proposed Sale of Carlotta Avenue, Gordon - Council Depot Site
(Section 10A(2)(c) - Information that would confer a commercial advantage)

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

35

David Lethbridge

File: S02380

This Mayoral Minute is to pay tribute to one of Council's longest serving and most valued staff members, David Lethbridge.

David retired last month (Jan) after almost 20 years of service with Council in an incredibly wide variety of roles.

At various times he has been Treasurer, Internal Auditor and Manager of Revenue Accounting.

David has also managed Customer Service and led major projects including Council's taskforce dealing with Y2K issues in 2000, the move to a corporate call centre and the campaign for the current infrastructure levy.

David has also coordinated Council elections, overseen implementation of the GST across Council and dealt with grant monies in response to the major storms of 1991.

David's hard work and willingness to get involved in "extra-curricular" activities has been of enormous benefit to Council.

Among other things he has been chair of the EEO committee, protected disclosure officer, nominated EEO referral officer and chief fire warden. He has also helped organise Anzac Day and Remembrance Day services and coordinated public speakers at council meetings.

It's these tasks "above and beyond the call of duty" that have made David such a special and treasured staff member.

David's customer service skills are without peer. During his service with Council, he has dealt with a range of customers on a personal level including mayors, councillors and staff across all departments, government agencies and the general community at large.

I have had the privilege of working closely with David over many years. It is his integrity and straight forwardness that have impressed me most, though David has a

rather wicked sense of humour as well. He has been of great assistance to all councillors and I'm sure he will be greatly missed.

If I had to say which staff member epitomised Ku-ring-gai Council to me, there is no question that I would choose David Lethbridge. To use the words of our previous General Manager in farewelling David, he is a true servant of Ku-ring-gai.

On behalf of all Ku-ring-gai councillors and staff, I thank David for his sterling efforts over the past 19 years and wish him and his wife Deirdre all the best for the future, and I hope that David will come and say a few words to us this evening.

Resolved:

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

K Tuckfeld
S Booker
T Martire
A Parr
V Harris

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:

Refer GB.12: Turramurra Town Centre - Additional Matters - Heritage, Hillview, Interface Sites - Memorandum by Director Open Space & Planning dated 28 February 2006 re Amendment to Recommendation B.

Refer GB.13: St Ives Town Centre Draft LEP & Draft DCP - Final Amendments prior to Exhibition - Memorandum by Director Open Space & Planning dated 28 February 2006 re Clarification of Proposed Retail Floor Space.

Memorandum by Director Open Space & Planning dated 28 February 2006 re Zoning of energyAustralia Substation at 206 Mona Vale Road, St Ives.

Memorandum by Director Open Space & Planning & Director Technical Services dated 28 February 2006 re Traffic Impacts from potential development at "Camellia Grove".

Refer GB.14: Submission on the draft Productivity Commission's Draft Report - Heritage - Memorandum by Manager Urban Planning dated 28 February 2006 re Recommendation from Heritage Advisory Committee.

Refer GB.15: Minor Amendments to DCP 38 - Dwelling Houses & DCP 55 - Multi-Unit Development - Memorandum by Director Open Space & Planning & Manager Urban Planning dated 28 February 2006.

CONFIRMATION OF MINUTES

36 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 7 February 2006

Minutes numbered 1 to 33

Resolved:

(Moved: Councillors Lane/Cross)

- A. That Minutes numbered 1 to 33 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.
- B. That confirmation of Minute No 6 be deferred to allow the number of signatories on the Petition to be checked.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR (cont)

37 **Australia Day Honours 2006**

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File: S02767

I am pleased to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been awarded 2006 Australia Day 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.

Clinical Associate Professor Antony Bernard BRESLIN of Killara

For service to thoracic medicine, particularly in the area of respiratory diseases through education, research, clinical practice and professional organisations

Mr Frank Evan WILLIAMS of Killara

For service to public administration in New South Wales, particularly to the arts through the establishment of cultural institutions, the preservation and restoration of historic buildings and the development of the Sydney Festival

Associate Professor Geoffrey Colman STACY of Killara

For service to dentistry and to the community

Mr Gerald Fernley SMITH, late of Lindfield

For service to the community through community based mental health organisations, particularly the Schizophrenia Fellowship of New South Wales

Mrs Ann RAMSAY of Gordon

For service to the community as a volunteer radio broadcaster of church music

Mrs Robyn Margaret YATES of Turramurra

For service to special education, particularly through the development of professional learning opportunities for teachers of students with disabilities

Mrs Mary Josephine GILLESPIE of Turramurra

For service to the community through the Sisters of Charity Outreach program.

Mr John Richard PICKFORD of Turramurra

For service to international relations through humanitarian assistance, particularly to the people of Zimbabwe

Mrs Marlene Hilda PICKFORD of Turramurra

For service to international relations through humanitarian assistance, particularly to the people of Zimbabwe

Mr David William RODEN of Turramurra

For outstanding public service and contribution to public sector reform, improvement in public sector performance and state administration

Dr Peter Gordon KALESKI of Wahroonga

For service to dentistry

Dr John Edmond FRAWLEY of Pymble

For service to medicine in the fields of vascular and transplantation surgery and as a pioneer in paediatric kidney transplants

Mr Peter Thornton KNEESHAW of Pymble

For service to music and to the community as an organist and choirmaster, and as an adviser in organ design and restoration

Miss Margaret Anne COLEMAN of Pymble

For service to youth through the Girl Guides movement, to the community in the recording and documentation of the history of a range of organisations, and to the Royal Australian Historical Society

Mrs June Rose HOWARTH of Roseville

For service to the community through the Australian Red Cross, and for contributions to cultural, religious and welfare organisations

Mr Anthony John THIRLWELL of Roseville

For service to tourism, particularly through executive roles with Tourism New South Wales, the Australian Tourist Commission and related tourism industry organisations

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 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.

CARRIED UNANIMOUSLY

PETITIONS

- 38 **Bushland off Normac Street, Allard Avenue & Babbage Road - Request Management Consistent with Vegetation Category 2 - Rainforest - (Fourteen [14]) Signatures**

File: S02643

The following Petition was presented by Councillor Shelley:

"We, the undersigned are residents within the bushfire prone zone affected by the bushland off Normac Street Allard Avenue and Babbage Road (grey area on map). We request that where possible Council in its planting and bush regeneration program manage this bushland in a manner consistent with Bushfire Vegetation Category 2, rainforest, which is the lowest bushfire risk category."

Resolved:

(Moved: Councillors Shelley/Ebbeck)

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

CARRIED UNANIMOUSLY

39 **"Eden Brae", Stanley Close, St Ives - Opposition to Proposal for Rezoning - (Twenty-One [21] Signatures)**

File: S04019

The following Petition was presented by Councillor Hall:

"We, the undersigned owners/residents of "Eden Brae" oppose the proposal for the rezoning of our homes to permit 5-storey Retail-Commercial-Residential re-development of "Eden Brae".

We request that the existing Single Story Villa Homes Residential Zoning remain due to:

1. Currently a Senior Living environment.
2. Being a State Government rezoning in 1988 for low residential living, near to all services.
3. Separation from the retail services adjoining the site.
4. There is no support for any high rise zoning from the majority of owners/residents."

Resolved:

(Moved: Councillors Hall/Bennett)

That the Petition be received and considered in conjunction with Item GB.13 - St Ives Town Centre Draft LEP & Draft DCP - Final Amendments prior to Exhibition.

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 9 February 2006

Minutes numbered KTC1 to KTC2

40 **General Matter Items Under Delegated Authority**

File: S02738

Vide Minute No KTC.1

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in November and December 2005 and January 2006 under Delegated Authority, be noted.

CARRIED UNANIMOUSLY

41 **Canoon Road Parking Restrictions**

File: 88/05243/03

Vide Minute No KTC.2

Ward: Comenarra

Electorate: Ku-ring-gai

To consider 'No Parking' restrictions on the southern side of Canoon Road on Saturdays during the netball season.

Resolved:

(Moved: Councillors Lane/Ebbeck)

- A. That *No Parking 7.00 am – 5.00 pm Saturdays, 15 March to September* restrictions, be approved on the southern side of Canoon Road, from Kissing Point Road to the Bus Zone approaching Barwon Avenue, as shown on Sketch Plan No. Canoon/KTC/02/06 and that the restrictions west of Barwon Avenue be altered to also commence from 15 March, for consistency.
- B. That the Saturday parking restrictions during the netball season, on the eastern side of Field of Mars Avenue, be altered to be consistent with those approved for Canoon Road, and that these be extended around the turning circle to include the entrance to the South Turramurra Girl Guides facility.
- C. That Council's Rangers enforce the restrictions in the Canoon Road area, during Saturday sporting events.

- D. That the proposed restrictions in Canoon Road, including the commencement and end date that they apply, be reviewed after the end of the 2006 netball season.
- E. That residents in the area, previously letterboxed, advising them of Council's decision of 22 November 2005, and inviting their comments, be informed of Council's decision.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

42 27 Warrimoo Avenue, St Ives - Carport & Front Fence

File: DA0984/05

Ward: Comenarra

Applicant: Mr. Geoffrey Robert Stott

Owner: Mr. Geoffrey Robert Stott

To determine Development Application 984/05 which seeks consent for a detached double carport and front fence. This matter has been called to full Council by Councillor Hall.

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That consideration of DA0984/05 at 27 Warrimoo Avenue, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

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

Against the Resolution: The Mayor, Councillor E Malicki

43 3, 5, 5A & 7 Lorne Avenue, Killara - Demolition of Existing Structures & Construction of 3 Residential Flat Buildings totalling 64 Dwellings, including Basement Parking & Landscaping

File: DA0997/05

Ward: Gordon

Applicant: Adavale Investments Pty Ltd

Owner: Adavale Investments Pty Ltd

To determine development application No 997/05 which seeks consent for the demolition of existing structures and construction of 3 residential flat buildings containing a total of 64 dwellings, including basement parking and landscaping.

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 997/05 for the demolition of existing structures on site and the construction of 4 x 1 bedroom, 8 x 2 bedroom and 52 x 3 bedroom dwellings within three buildings, associated access, basement parking and landscaping on land at 3, 5, 5a and 7 Lorne Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

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

Architectural Plans

Dwg. No.	Scale	Description	Author	Dated	Lodged
DA01B	1:500	Site Plan	Owen & Gilsenan	10 Aug 2005	22 Dec 2005
DA02B	1:200	Level 1	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA03B	1:200	Level 2	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA04B	1:200	Level 3	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA05B	1:200	Level 4	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA06B	1:200	Level 5 & 6	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA07B	1:200	Level 7	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA08B	1:200	Level 8	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA09B	1:200	Elevations	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA10B	1:200	Elevations	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA11B	1:200	Elevations & Section	Owen & Gilsenan	16 Dec 2005	22 Dec 2005
DA16B	1:200	Additional Sections	Owen & Gilsenan	16 Dec 2005	22 Dec 2005

Landscape Plans

Dwg. No.	Scale	Description	Author	Dated	Lodged
LDA201 Rev A	1:200	Existing tree schedule	Site image	15 Aug 2005	22 Dec 2005
LDA301 Rev C	1:200	Grading & setout plan	Site image	19 Dec 2005	22 Dec 2005
LDA401 Rev C	1:200	Hardscape plan	Site image	19 Dec 2005	22 Dec 2005
LDA501 Rev C	1:200	Softscape plan	Site image	19 Dec 2005	22 Dec 2005
LDA601 Rev A	1:200	Landscape details	Site image	15 Aug 2005	22 Dec 2005

2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. All building works shall comply with the Building Code of Australia.
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. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
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. To maintain existing ground levels all excavated material shall be removed from the site.
12. 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.
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. Any fencing and associated 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. 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.
26. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
29. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
31. Fire hoses are to be maintained on site during the course of demolition.
32. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
33. 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.
34. 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.
35. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.

36. 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:
- stating that unauthorised entry to the work site is prohibited, and
 - 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:

- building work carried out inside an existing building, or
 - 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.
37. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
38. "Peep holes" shall be provided to the entrance doors of all units for personal security.
39. Compliance with the notations overdrawn on the consent plans.
40. Stormwater runoff from all hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped and connected to the Council drainage system within the site. Drainage line connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") which is provided in Councils Water Management DCP 47 (available on the Council website).
41. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for each building. The (minimum) total storage volumes of the rainwater tank systems are to be as required by Council's DCP 47 Water Management. The prescribed re-use of the water on site, must be toilet flushing (each unit), preferably cold laundry (each unit) and garden irrigation, as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
42. 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.

43. 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.
44. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
45. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
46. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of 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.
47. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
48. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to

eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

49. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
50. The Applicant must obtain a **Section 73 Compliance Certificates** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
51. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no lockable or remote control doors, grilles, gates or other devices are to be provided in the access driveways to the basement car parks preventing this service. Contractors will not accept keys or remote controls.
52. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
 - Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the Geotechnical Investigation Report prepared by Coffey Geosciences (S22031/1-AD dated 20 July 2005), 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.

52a. To ensure adequate internal amenity between blocks A and B and to the adjoining property at No.40A Culworth, the following amendments shall be incorporated into the development:

- A screening device (1.8 metres in height and 3.8 metres in length) is to be erected along the balcony projection of the northern elevation of the terrace to Unit No.B43.
- A screening device (1.8 metres in height) and extending the entire length of the balconies on the top floor of the western façade of building A.

53. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

Time of inspection

All existing trees located on site being retained	Prior to demolition At the completion of demolition Prior to excavation works At the completion of excavation works Prior to the start of construction works At monthly intervals during construction At the completion of construction works At the completion of all works on site
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54. Landscape works shall be carried out in accordance with Landscape Drawing No LDA201 Rev A, LDA301 Rev C, LDA401 Rev C, LDA501 Rev C, LDA601 Rev A prepared by Site Image and dated 19/12/2005 submitted with the Development Application, except as amended by the following:

- Tree #8 *Liquidamambar styraciflua* (Sweet Gum) centrally located on site is to be removed, as per the consulting Arborist's recommendations. Tree #8 is to be replaced with a super advanced (minimum pot size 75 litre) tall native endemic tree species consistent with the Sydney Bluegum High Forest plant community. Species could include *Eucalyptus saligna*

(Bluegum), *Eucalyptus paniculata* (Grey Ironbark) and *Eucalyptus pilularis* (Blackbutt).

- The proposed planting of three 'Ba' *Brachychiton acerifolius* (Illawarra Flame Tree) between 'Block A' and Lorne Ave is to be deleted and replaced with three *Ulmus procera* 'Louis van Houtte' (Golden Elm) or *Pyrus ussuriensis* (Manchurian Pear) or similar, able to attain a minimum height of 8-10m.
- Tree #14 *Cinnamomum camphora* (Camphor laurel) is to be removed and replaced with a tall endemic tree species consistent with the Sydney Bluegum High Forest plant community.

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

Tree/Location

#50 *Jacaranda mimosifolia* (Jacaranda)
Lorne Ave nature strip

56. 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

#26 *Cedrus deodara* (Himalayan Cedar) Canopy/Root pruning
Centrally located on site

57. 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
58. 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

#10 *Sapium sebiferum* (Chinese Tallowood) 5.0m
Adjacent to north-west site corner

#13 *Fraxinus spp.* (Ash) 6.0m
Adjacent to northern (rear) site boundary

#15 *Cupressus sempervirens var. Stricta* (Italian Cypress) 4.0m
Adjacent to eastern site boundary in neighbouring property

#15A <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to eastern site boundary in neighbouring property	6.0m
#16 <i>Castanospermum australe</i> (Black bean) Adjacent to eastern site boundary	4.0m
#17 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.0m
#20 <i>Cupressus macrocarpa</i> (Monterey Cypress) Adjacent to eastern site boundary in neighbouring property	5.0m
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	4.0m on south west side 8.0m elsewhere
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	4.0m
#28 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lorne Ave site boundary	4.0m
#34 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#35 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#36 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#38 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#41 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#42 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#43 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m

#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	4.0m
#47 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#48 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	4.0m
#49 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#51 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m

59. No mechanical excavation for the approved buildings 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
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	6.0m on south-west side 8.0m elsewhere

60. 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
#10 <i>Sapium sebiferum</i> (Chinese Tallowood) Adjacent to north-west site corner	5.0m
#13 <i>Fraxinus spp.</i> (Ash) Adjacent to northern (rear) site boundary	6.0m
#15 <i>Cuppressus sempervirens var. Stricta</i> (Italian Cypress) Adjacent to eastern site boundary in neighbouring property	4.0m
#15A <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to eastern site boundary in neighbouring property	6.0m
#16 <i>Castanospermum australe</i> (Black bean) Adjacent to eastern site boundary	4.0m

#17 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.0m
#20 <i>Cupressus macrocarpa</i> (Monterey Cypress) Adjacent to eastern site boundary in neighbouring property	5.0m
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	4.0m on south-west side 8.0m elsewhere
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	4.0m
#28 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lorne Ave site boundary	4.0m
#34 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#35 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#36 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#38 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#41 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#42 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#43 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m

Lorne Ave nature strip

#47 *Jacaranda mimosifolia* (Jacaranda) 6.0m
Lorne Ave nature strip

#48 *Jacaranda mimosifolia* (Jacaranda) 4.0m
Lorne Ave nature strip

#49 *Jacaranda mimosifolia* (Jacaranda) 5.0m
Lorne Ave nature strip

#51 *Jacaranda mimosifolia* (Jacaranda) 5.0m
Lorne Ave nature strip

61. 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

Tree/Location	Radius From Trunk
#10 <i>Sapium sebiferum</i> (Chinese Tallowood) Adjacent to north-west site corner	5.0m
#13 <i>Fraxinus spp.</i> (Ash) Adjacent to northern (rear) site boundary	6.0m
#16 <i>Castanospermum australe</i> (Black bean) Adjacent to eastern site boundary	4.0m
#17 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	4.0m
#20 <i>Cupressus macrocarpa</i> (Monterey Cypress) Adjacent to eastern site boundary in neighbouring property	5.0m
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	4.0m on south-west side 8.0m elsewhere
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	4.0m
#28 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lorne Ave site boundary	4.0m
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#41 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m

- | | |
|--|------|
| #42 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 5.0m |
| #43 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm)
Lorne Ave nature strip | 3.0m |
| #44 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 6.0m |
| #45 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 6.0m |
| #46 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 4.0m |
| #47 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 6.0m |
| #48 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 4.0m |
| #49 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 5.0m |
| #51 <i>Jacaranda mimosifolia</i> (Jacaranda)
Lorne Ave nature strip | 5.0m |
62. 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.
63. Following removal of the *Jacaranda mimosifolia* (Jacaranda) tree #50, from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
64. 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 |
| #25 <i>Magnolia soulangeana</i> (Soul's Magnolia) | As shown on plan LDA501
Rev C |
| Within footprint of 'Block A' | |
65. 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.

66. The 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
67. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works:
- Plant Species
Cinnamomum camphora (Camphor laurel)

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

- 67a. To maximise landscape amenity, and to provide site context with previous residential use, the existing sandstone from the buttressed wall at 5 Lorne Ave is to be reused on site as a feature sandstone retaining wall and/or landscape feature. Interpretive signage is to be incorporated/displayed in front of the wall/feature showing the previous/original use of the sandstone on site with a written explanation. Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the Construction Certificate.
68. 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.
69. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
70. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
71. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF SIXTY (60) ADDITIONAL DWELLINGS IS CURRENTLY \$ 1,216,168.57. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

73. All overhead electricity and other lines (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point, in accordance with the requirements of Energy Australia. Details to be shown on plans submitted with the Construction Certificate. (Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground).
74. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.
- 74a. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with the EPA Environmental Criteria for Road Traffic Noise, 1999 and Rail Infrastructure Corporation and State Rail Authority Interim Guidelines – Consideration of Rail Noise and the Planning Process.
75. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
76. Seven (7) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).

77. To ensure amenity of adjacent properties is maintained, a lapped and capped fence shall be constructed along the rear and side boundaries of the development site. The fence shall be 1.2 metres high in the front setback area but will step up in height to 1.8 metres approximately 15 metres from the street boundary.
78. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
79. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Retaining walls and associated drainage.
 - c. Wet area waterproofing details complying with the Building Code of Australia.
 - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
 - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
80. 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.
81. 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.

82. 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:
- That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - 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.

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

83. 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 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.

- A traffic signal is provided to control flows along the one way section of the access driveway.
- 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.

84. 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.
85. 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).
 - Confirmation that the system will drain freely into the Council system during times of high or prolonged flow, as required in DCP 47 Appendix 5.
 - 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).
- Water quality measures as required by Chapter 8 of DCP 47.
- Underground pipes are to be clear of the canopies of 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 R. S. Wilson & Associates, submitted for Development Application approval, which are to be revised/advanced as necessary for construction issue purposes.

86. 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.
87. 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.
88. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

89. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#16 <i>Castanospermum australe</i> (Black bean) Adjacent to eastern site boundary	4.0m
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	4.0m on south-west side 8.0m elsewhere
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	4.0m
#28 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lorne Ave site boundary	4.0m

90. To preserve the following tree/s, footings of the proposed pedestrian access ramp and walls 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
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	4.0m on south-west side 8.0m elsewhere
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	4.0m

91. 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
#28 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lorne Ave site boundary	4.0m
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m

#41 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#42 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#43 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	4.0m
#47 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#48 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	4.0m
#49 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#51 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m

92. 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.

93. A CASH BOND/BANK GUARANTEE of \$14,500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the 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
#16 <i>Castanospermum australe</i> (Black Bean) Adjacent to eastern site boundary	\$1,000.00
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	\$4,000.00
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	\$2,000.00
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$1,000.00
#41 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	\$500.00
#42 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$1,000.00
#43 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	\$500.00
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$1,000.00
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$1,000.00
#47 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$1,000.00
#48 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$500.00
#49 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	\$1,000.00

#51 *Jacaranda mimosifolia* (Jacaranda) \$1,000.00
Lorne Ave nature strip

- 93a. 5 Lorne Avenue –A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

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

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

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

- Each elevation
- Each interior room
- 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 its relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- History and description of the building (including title records, subdivision plans, water board plans etc)
- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Measured drawing including floor plans, all elevations, roof plan and one cross section (1:00)
- Black & White archival quality photographs, contact prints of negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- Colour slides (one set)

Digital images and CDs may be submitted as supplementary information.

- 93b. 3, 5a & 7 Lorne Avenue – A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

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

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

All photographs 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.
- 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 its 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 of negatives 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

94. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor license number of the owner/builder who intends to carry out the approved works.
95. 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 30 to 38 and 40a Culworth Avenue and

the tennis court within 9 Lorne Avenue 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.

96. 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;
- No construction vehicle access is to be obtained via the eastern driveway.
- 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 – 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:

- 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 are to comply with the approved requirements.
- For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the current on-street parking amenity in the area.
- For employees' own vehicles, the western end of the Culworth Avenue car park may offer a convenient alternative parking area.

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.

97. 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.
98. 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:

- Lorne Avenue road reserve including kerb and gutters.
- All driveways opposite the subject site.

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

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

99. 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.

100. 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.
101. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer. The report is to include a copy of the video footage of the pipeline.
102. 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
#10 <i>Sapium sebiferum</i> (Chinese Tallowood) Adjacent to north-west site corner	5.0m
#13 <i>Fraxinus spp.</i> (Ash) Adjacent to northern (rear) site boundary	6.0m
#15 <i>Cupressus sempervirens var. Stricta</i> (Italian Cypress) Adjacent to eastern site boundary in neighbouring property	2.0m
#16 <i>Castanospermum australe</i> (Black bean) Adjacent to eastern site boundary	3.0m
#17 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to eastern site boundary	3.0m
#20 <i>Cupressus macrocarpa</i> (Monterey Cypress) Adjacent to eastern site boundary in neighbouring property	5.0m
#26 <i>Cedrus deodara</i> (Himalayan Cedar) Centrally located on site	4.0m on south-west side 8.0m elsewhere
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located on site	4.0m
#28 <i>Acer palmatum</i> (Japanese Maple) Adjacent to Lorne Ave site boundary	4.0m
#34 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m

#35 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#36 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m
#38 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to western site boundary in neighbouring property	4.0m

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

Tree/Location	Radius From Trunk
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#41 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#42 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#43 <i>Trachycarpus fortunei</i> (Chinese Windmill Palm) Lorne Ave nature strip	3.0m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#46 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	4.0m
#47 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#48 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	4.0m

#49 *Jacaranda mimosifolia* (Jacaranda) 2.0m
Lorne Ave nature strip

#51 *Jacaranda mimosifolia* (Jacaranda) 2.0m
Lorne Ave nature strip

104. 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.
105. 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.
106. 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.
107. 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:

Tree/Location	Radius From Trunk
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#49 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#51 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m

108. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings

over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location	Radius From Trunk
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	6.0m
#49 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m
#51 <i>Jacaranda mimosifolia</i> (Jacaranda) Lorne Ave nature strip	5.0m

109. 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.
- 109a. An interpretative display is to be located in the foyer of the new building. The interpretative display shall include photographs and text illustrating No 5 Lorne Avenue. Detail of the interpretative display is to be submitted to Council's Heritage Advisor for approval before commencement of demolition works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

110. 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.
111. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property

boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.

All works required by the Acoustic Report are to be completed and the works certified by a suitably qualified Acoustic Consultant, prior to the release of the Occupation Certificate.

112. 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 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.

113. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

114. 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.

115. 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 a traffic signal is provided to control flows along the one way section of the access driveway.
- 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:
 1. Australian Standard 2890.1 - “Off-street car parking”,
 2. 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.

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

- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
- That retained water is connected and available for uses including all toilet flushing, cold laundry and garden irrigation.
- That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- That all 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.
117. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
118. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

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

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

119. 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.

120. 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.
121. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the Geotechnical Report by Coffey Geosciences, 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.
122. 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 may include:
- Lorne Avenue road reserve;
 - 30 to 38 and 40a Culworth Avenue;
 - Tennis court within 9 Lorne Avenue.

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.

123. 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.

124. 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.

125. Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B 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.
126. 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.
127. 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.

CARRIED UNANIMOUSLY

44 **17 to 19 Newhaven Place, St Ives - Demolition of Existing Structures on Site & Construction of a Residential Flat Building Containing 25 Apartments & Basement Parking & Strata Subdivision**

File: DA1003/05-2

Ward: St Ives

Applicants: Mr Ray Dalgairns, Barking Investments Pty Ltd

Owners: King-Hae Wang, Hsiu Mei Liu and Barking Investments Pty Ltd

To determine Development Application No 1003/05 which seeks consent for the demolition of the existing structures on site and construction of 25 apartments and basement parking and strata subdivision.

Resolved:

(Moved: Councillors Lane/Hall)

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

THAT the Council, as the consent authority, grant deferred commencement development consent to DA 1003/05 for the demolition of existing structures, construction of a residential flat buildings comprising 25 dwellings, basement parking, landscaping and strata subdivision on land at 17 and 19 Newhaven Place, St Ives for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

SCHEDULE A

1. The applicant is to obtain the approval of Council to amend the terms of the drainage easement over the downstream property to permit the passage of private property runoff. Council's approval is to be given prior to the operation of the consent. This will require the submission of the owner's written consent and an engineer's report which attests to the capacity of the system to accept such runoff. The relevant fee for the preparation of a report to Council is to be paid with the application.

SCHEDULE B

GENERAL CONDITIONS

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

Dwg No:	Rev.Description	Author	Dated	Lodged
A000/B	Cover Sheet	PD Mayoh Architects	Aug 2005	12-9-2005
A001/B	Survey	PD Mayoh Architects	Aug 2005	12-9-2005
A002/C	Site Plan	PD Mayoh Architects	Aug 2005	16-12-2005
A007/B	Demolition Controls	PD Mayoh Architects	Aug 2005	12-9-2005
A099/B	Plan - Basement 2	PD Mayoh Architects	Aug 2005	12-9-2005
A100/C	Plan - Basement 1	PD Mayoh Architects	Aug 2005	10-2-2006
A101/C	Ground Floor Plan	PD Mayoh Architects	Aug 2005	10-2-2006
A102/C	Level 1 & 2 Plan	PD Mayoh Architects	Aug 2005	10-2-2006
A103/C	Level 3 Plan	PD Mayoh Architects	Aug 2005	10-2-2006
A104/C	Level 4 Plan	PD Mayoh Architects	Aug 2005	10-2-2006
A105/C	Roof Plan	PD Mayoh Architects	Aug 2005	10-2-2006
A150/C	South Elevation	PD Mayoh Architects	Aug 2005	15-2-2006
A151/C	West Elevation	PD Mayoh Architects	Aug 2005	15-2-2006

A152/C	North Elevation	PD Mayoh Architects	Aug 2005	15-2-2006
A153/C	East Elevation	PD Mayoh Architects	Aug 2005	15-2-2006
A160/C	Longitudinal Sect.	PD Mayoh Architects	Aug 2005	16-12-2005
A161/C	Cross Section	PD Mayoh Architects	Aug 2005	10-2-2006
A500/B	Pre and Post Adaptive	PD Mayoh Architects	Aug 2005	12-9-2005
FD01/A	Sunshading N Elevation	PD Mayoh Architects	Dec 2005	10-2-2006
FD02/A	Sunshading part north	PD Mayoh Architects	Dec 2005	10-2-2006
LP/01/D	Landscape Plan	PD Mayoh Architects	Dec 2005	16-12-2005
Strata 1-9	Strata Plan	Bottaro de Nett Pty Ltd	Feb 2006	7-2-2006

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

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
6. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
7. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

8. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
9. To maintain existing ground levels all excavated material shall be removed from the site.
10. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
11. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

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

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

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

18. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
19. The fence and footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
23. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
24. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.

28. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
35. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
36. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
37. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or

- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
- 41. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
- 42. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
- 43. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
- 44. Landscape works shall be carried out in accordance with Landscape Drawing No LP/01 of Job No 1226 issue D prepared by John Lock & Associates and dated 15/12/05 submitted with the Development Application, except as amended by the following:
 - 3 *Eucalyptus punctata* (Grey Gum) on the plan shall be amended to 3 *Eucalyptus paniculata* (Grey Ironbark) to agree with the plant schedule.
 - Existing Tree No 5 between Trees 8 and 10 shall be amended to Tree No 9.
 - Stepping stones around the south-western (internal) corner of Unit 001 shall be amended to planting as the garden is situated approximately 1.2 metres below the level of the adjoining terrace off the living room of Unit 001.
- 45. 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.
- 46. Topsoil for rehabilitation of the site shall be restricted to that derived from the site, and shall be stock-piled prior to any construction activity. Stock-piled topsoil on the site shall be located outside drainage lines and tree canopies, and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
- 47. All excavation for drainage pits carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

No/Tree/Location	Radius From Trunk
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3/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the south-western end of the site's north-western side boundary	6m
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10/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	5m
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48. 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.

49. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Newhaven Place. The tree used shall be a minimum 25 litre container size specimen tree:

Tree Species	Quantity
<i>Syncarpia glomulifera</i> (Turpentine)	1

50. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

51. Stormwater runoff from all hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped and connected to the Council drainage system within the site. Drainage line connections to the system shall conform and comply with the relevant detail within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe") which is provided in Councils Water Management DCP 47 (available on the Council website).

52. 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).

53. 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.

54. 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.

55. 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.
56. It is the Applicant's and contractor's **full responsibility** to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
57. This development consent does not set aside or affect in any way the exercise of any rights-at-law which may be conferred upon any party or parties by the existence and/or terms of the grant of any easements or rights-of-carriageway on or over the subject property. It is the applicant's full responsibility to ensure that any rights-at-law are upheld. Council accepts no responsibility whatsoever, either now or in the future, for any claim for any matter or thing arising from its approval to this application involving any encroachment or other influence upon any easement or right-of-carriageway. The applicant's attention is further directed to the rights of persons benefited by any easement or right-of-carriageway concerning the entry and breaking up of a structure approved by this consent. In the event that such a structure causes damage, blockage or other thing requiring maintenance to infrastructure within the easement or right-of-carriageway, or access is required to carry out maintenance, Council accepts no responsibility in this regard now or in the future.
58. 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.
59. 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.

60. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
61. 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.**
62. 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.
63. 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”*.
64. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of

water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

65. 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.

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

66. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing (2) two Torrens lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to the issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.

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

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

68. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

69. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road

reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

70. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
71. 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.

72. 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 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 arrangements are to be constructed in accordance with the certified plans.

73. The Applicant must submit carry out the following infrastructure works in the Public Road:
- a. construct a 1.2 metre wide concrete footpath for the full site frontage. Where the footpath is to be within the canopy of significant trees, asphaltic concrete may be used.

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

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

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

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

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

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

74 Prior to issue of the Construction Certificate 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.

75 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:

- **Water quality measures as required by Chapter 8 of DCP 47 Water Management.**
- 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.

- Retained runoff for re-use inside buildings (toilet flushing, clothes washing) is to be roofwater only unless some form of treatment is proposed.
- Runoff from landscaped areas may be conveyed directly to the downstream drainage system, bypassing the combined retention/ detention storage.
- 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).
- 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 Warren Smith & Partners for Development Application approval, which are to be advanced as necessary for construction issue purposes.

- 76 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.
77. 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.
78. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWENTY THREE (23) ADDITIONAL DWELLINGS IS CURRENTLY \$504,737.33. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

79. 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.

80. 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.

81. A CASH BOND/BANK GUARANTEE of \$20,000.00 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.

No/Tree/Location	Bond Value
3/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the south-western end of the site's north-western side boundary	\$4,000.00
8/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and near its southern boundary	\$2,000.00
9/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	\$1,000.00
10/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	\$2,000.00
20/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-eastern corner	\$1,000.00
21/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-eastern corner.	\$1,000.00
23/ <i>Syncarpia glomulifera</i> (Turpentine) Near the site's north-western corner and close to its Newhaven Place boundary	\$3,000.00
25, 26, 28/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-western boundary and towards its north/north-western corner	\$3,000.00
27/ <i>Eucalyptus pilularis</i> (Blackbutt) Near the site's north-western boundary and towards	\$4,000.00

its north/north-western corner

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

82. 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.

83. 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
4/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-western boundary and towards its south-western corner	5m
5/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-western boundary and towards its south-western corner	4m
6/ <i>Magnolia x soulangiana</i> (Magnolia) Near the site's south-western corner and close to its southern boundary	4m
7/ <i>Thuja sp.</i> (Arborvitae) Near the site's south-western corner	3m
9/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	5m
20/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-eastern corner	4m
21/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's northeastern corner	4m
23/ <i>Syncarpia glomulifera</i> (Turpentine) Near the site's north-western corner and close to its Newhaven Place boundary	5m
25, 26, 28/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's north-western boundary and towards its north/north-western corner	4m
39/ <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to the centre of the site's eastern boundary.	3m

84. 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 Multi-Unit Building shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The

fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
3/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the south-western end of the site's north-western side boundary	8m
8/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and near its southern boundary	5m
10/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	5m
27/ <i>Eucalyptus pilularis</i> (Blackbutt) Near the site's north-western boundary and towards its north/north-western corner.	9m

85. 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.
86. 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 and Arborist.
87. 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.
88. 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.
89. 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 by Jeffery and Katauskas Ref: 19641Srpt, dated 12 August 2005. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Preparation of an Implementation Program,
 - 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.
90. 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.
91. 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 the residences at 15 and 21 Newhaven Place, if these residences have not been demolished under a separate approval. 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.
92. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage 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.
- Employee parking shall be provided in the basement as soon as practicable.

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.

93. 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.

94. 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 Newhaven Place 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

107. 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.
108. Excavation for the installation of STORMWATER LINES within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate:

No/Tree/Location	Radius From Trunk
6/ <i>Magnolia x soulangiana</i> (Magnolia) Near the site's south-western corner and close to its southern boundary	4m
7/ <i>Thuja sp.</i> (Arborvitae) Near the site's south-western corner	3m
8/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and near its southern boundary	5m
9/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	5m
10/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	5m

109. 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>Syncarpia glomulifera</i> (Turpentine) Towards the south-western end of the site's north-western side boundary.	Excavation phase Drainage phase Landscape phase
6/ <i>Magnolia x soulangiana</i> (Magnolia) Near the site's south-western corner and close to its southern boundary	Drainage phase Landscape phase
7/ <i>Thuja sp.</i> (Arborvitae) Near the site's south-western corner	Drainage phase Landscape phase
8/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and near its southern boundary	Excavation phase Drainage phase Landscape phase
9/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	Excavation phase Drainage phase Landscape phase
10/ <i>Syncarpia glomulifera</i> (Turpentine) Towards the site's south-western corner and close to its southern boundary	Excavation phase Drainage phase Landscape phase
20/ <i>Syncarpia glomulifera</i> (Turpentine) Close to the site's northeastern corner	Excavation phase Landscape phase

21/ <i>Syncarpia glomulifera</i> (Turpentine)	Excavation phase
Close to the site's north-eastern corner	Landscape phase
22/ <i>Syncarpia glomulifera</i> (Turpentine)	Excavation phase
On the Newhaven Place nature strip and close to the site's north-eastern corner	Landscape phase
23/ <i>Syncarpia glomulifera</i> (Turpentine)	Excavation phase
Near the site's north-western corner and close to its Newhaven Place boundary	Landscape phase
25, 26, 28/ <i>Syncarpia glomulifera</i> (Turpentine)	Excavation phase
Close to the site's north-western boundary and towards its north/north-western corner	Landscape phase
27/ <i>Eucalyptus pilularis</i> (Blackbutt)	Excavation phase
Near the site's north-western boundary and towards its north/north-western corner	Drainage phase
	Landscape phase
39/ <i>Tristaniaopsis laurina</i> (Water Gum)	Excavation phase
Adjacent to the centre of the site's eastern boundary	Landscape phase

110. Noxious and/or environmental weed species shall be removed from the property prior to issue of the Occupation Certificate. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release Compliance Certificate:

Plant Species

Araujia hortorum (Moth Vine)
Asparagus densiflorus (Asparagus Fern)
Celtis sp. (Nettle Tree) seedlings
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Conyza sp (Fleabane)
Cytisus sp. (Broom)
Ficus pumila (Creeping Fig)
Hedera helix (English Ivy) including from the trunk of T27: *Eucalyptus pilularis* (Blackbutt)
Hedychium gardnerianum (Ginger lily)
Impatiens balsamina (Impatiens)
Ligustrum lucidum (Large-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Raphiolepis indica (Indian Hawthorn)
Sida rhombifolia (Paddy's Lucern)
Trachelospermum jasminoides (Star Jasmine) from the trunks T5 and T9: 2
Syncarpia glomulifera (Turpentine)
Tradescantia albiflora (Wandering Jew)
Wisteria sp. (Wisteria Vine)

111. The landscape works shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to release of the Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
112. The Principal Certifying Authority shall ensure that the landscape works have been installed correctly, consistent with the approved landscape plan/s, specifications and the conditions of consent prior to release of the Occupation Certificate.
113. The applicant is to submit documentary evidence that the terms of the drainage easement through the downstream property have been amended to permit the passage of runoff from the subject property. Title and instrument details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.
114. 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.
 - New footpath for the full site frontage.
 - 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.

115. 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.

116. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
117. 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 traffic control signal between the basement levels has been installed and is working effectively.
 - 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.
118. 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 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, grading 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.

119. 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.

120. 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.

121. 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.
122. 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.
123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a registered surveyor that no structures are located over the existing drainage pipeline and/or easement traversing the subject property. A copy of the certification must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

CONDITIONS TO BE COMPLIED WITH PROR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

124. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site 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. 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.
125. 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. 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.

126. 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.
127. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
128. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgement.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention/ retention facility. This must be on the standard Council on-site detention certification sheet, available from Councils customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate.

Council officers will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

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

129. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
130. The applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the

subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

131. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

BUILDING CONDITIONS

132. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
133. 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.
134. 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.
135. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

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

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

CARRIED UNANIMOUSLY

45 **1, 1A, 1B & 3 Munderah Street, Wahroonga - Demolition & Construction of Residential Flat Development comprising 3 Buildings, 42 Dwellings & Car Parking**

File: DA1112/05

Ward: Comenarra

Applicant: Max Lucas

Owners: M J & P M Lucas, Rogue Constructions, Sakla P/L, Rebecca Snaith, Huro International P/L, H & S Schmeding, N P Manettas, G, M A & L P Leuzzi, G Thompson, L W & B Dobrowolski, J O Power, A J and C G O'Kane, T W Crowley, W A & K Eldridge, W D, J M, C J, M J Hodgkins, J M Moore, J A Chaboisseau, C E & P A De Stoop, K J Lonnann, M & C Bosotti

To determine Development Application No 1112/05, which seeks consent for demolition and construction of a residential flat building containing 42 dwellings, basement parking and landscaping.

Resolved:

(Moved: Councillors Andrew/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 1112/05 for the demolition of existing structures and the construction of a residential flat development comprising 3 buildings (42 units), basement car parking and landscaping on land at 1, 1A, 1B and 3 Munderah Street, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans numbered 2416 (sheets DA01, DA02, DA03, DA04B, DA05B, DA06B, DA07B, DA08B, DA09B, DA10B, DA11, DA12 and DA13B, dated 19 September 2005 drawn by Millennium Design Consultants Pty Ltd and Landscaping Plan LA01 and LA-02 (M) drawn by ecodeign, dated 23 September 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:
2. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location

#56 *Phoenix canariensis* (Canary Island Date Palm)

Adjacent to north-west site corner

3. 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>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-east site corner	Removal
#2 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-east site corner	Removal
#5 <i>Eucalyptus scoparia</i> (Willow Gum) Adjacent to north-east site boundary	Removal
#8 <i>Eucalyptus globulus</i> (Southern Bluegum) Adjacent to north-east site boundary	Removal
#10 <i>Ginkgo biloba</i> (Maidenhair tree) Adjacent to north-east site boundary	Removal
#11 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to northern site boundary	Removal
#12 <i>Melaleuca quinquenervia</i> (Paperbark) Adjacent to north-east site corner	Removal
#13 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	Removal
#18 <i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary	Removal
#19 <i>Robinia pseudoacacia</i> 'Frisia' (Golden Robinia) Centrally located on site	Removal
#21 <i>Quercus palustris</i> (Pin Oak) Adjacent to south-east site corner	Removal
#22 <i>Citharexylum spinosum</i> (Fiddlewood) Adjacent to southern site boundary	Removal
#23 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to southern site boundary	Removal
#25 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site boundary	Removal
#27 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to southern site boundary	Removal
#28 <i>Ulmus glabra</i> 'Lutescens' (Golden Elm) Adjacent to southern site boundary	Removal
#29 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located on site	Removal
#30 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site boundary	Removal
#32 <i>Grevillea robusta</i> (Silky Oak) Adjacent to southern site boundary	Removal

#33 <i>Eucalyptus saligna</i> (Bluegum) Centrally located on site	Removal
#34 <i>Pyrus spp.</i> (Ornamental Pear) Adjacent to southern site boundary	Removal
#36 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	Removal
#37 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located on site	Removal
#41 <i>Eucalyptus acmeniodes</i> (White Mahogany) Adjacent to southern site boundary	Removal
#42 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#49 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to north-west site corner	Selective pruning Dead wooding
#55 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to north-west site corner	Removal
#57 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner	Removal
#58 <i>Acer negundo</i> (Box Elder) Adjacent to northern site boundary	Removal

4. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

All existing trees located on site being retained:

Time of inspection

Prior to demolition
At the completion of demolition
Prior to excavation works
At the completion of excavation works
Prior to the start of construction works
At monthly intervals during construction
At the completion of construction works
At the completion of all works on site

5. Removal/pruning of the following tree/s from Council's nature strip shall be undertaken at no cost to Council by an experienced Tree Removal

Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

Cinnamomum camphora (Camphor laurel)

6. 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

#16 *Liquidambar styraciflua* (Sweet Gum) Pruning

Adjacent to northern site boundary in neighbouring property

#49 *Eucalyptus paniculata* (Grey Ironbark) Pruning

Adjacent to north-west site corner

7. 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
8. 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

#4 *Acer palmatum* (Japanese Maple)

4.0m

Adjacent to south-east site corner/Pacific Hwy site boundary

#6 *Liquidambar styraciflua* (Sweet Gum)

6.0m

Adjacent to eastern/Pacific Hwy site boundary

#7 *Liriodendron tulipifera* (Tulip tree)

3.0m

Adjacent to eastern/Pacific Hwy site boundary

#9 *Pinus patula* (Mexican Pine)

7.0m

Adjacent to north-east site corner/Pacific Hwy site boundary

#14 *Cupressus sempervirens* (Italian Cypress)

3.0m

Adjacent to northern site boundary

#15 *Ficus macrocarpa* var. 'Hillii' (Hill's Fig)

5.0m

Adjacent to north-east site corner

#16 *Liquidambar styraciflua* (Sweet Gum)

6.0m

Adjacent to northern site boundary in neighbouring property

#17 *Corymbia maculata* (Spotted Gum)

4.0m

Adjacent to northern site boundary in
neighbouring property

#24 *Ulmus parvifolia* (Chinese Elm) 4.0m

Adjacent to southern site boundary within site frontage

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

Adjacent to southern/Munderah St site boundary

#31 *Grevillea robusta* (Silky Oak) 5.0m

Adjacent to southern/Munderah St site boundary

#35 *Brachychiton acerifolius* (Illawarra Flame Tree) 4.0m

Adjacent to southern site boundary

#35a *Brachychiton acerifolius* (Illawarra Flame Tree) 2.0m

Adjacent to southern site boundary

#39 *Phoenix dactylifera* (Date Palm) 3.5m

Adjacent to southern/Munderah St site boundary

#40 *Phoenix dactylifera* (Date Palm) 3.5m

Adjacent to southern/Munderah St site boundary

#44 *Jacaranda mimosifolia* (Jacaranda) 4.0m

Adjacent to south-west site corner

#45 *Rhododendron spp.* (Rhododendron) 3.0m

Adjacent to south west site corner

#46 *Podocarpus elatus* (Brown Pine) 5.0m

Adjacent to south-west site corner in
neighbouring property

#49 *Eucalyptus paniculata* (Grey Ironbark) 5.0m on south east side

Adjacent to north-west site corner 8.0m elsewhere

#51 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Adjacent to northern site boundary

#52 *Cupressus torulosa* (Bhutan Cypress) 3.0m

Adjacent to northern site boundary

#53 *Cupressus torulosa* (Bhutan Cypress) 3.0m

Adjacent to northern site boundary

Camellia sasanqua (Chinese Camellia) 2.0m

Adjacent to northern site boundary

9. No mechanical excavation for the approved works 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

#16 *Liquidambar styraciflua* (Sweet Gum) 8.0m

Adjacent to northern site boundary in neighbouring
property

#49 *Eucalyptus paniculata* (Grey Ironbark) 10.0m
Adjacent to north-west site corner

10. 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
#4 <i>Acer palmatum</i> (Japanese Maple) Adjacent to south-east site corner/Pacific Hwy site boundary	4.0m
#6 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern/Pacific Hwy site boundary	6.0m
#7 <i>Liriodendron tulipifera</i> (Tulip tree) Adjacent to eastern/Pacific Hwy site boundary	3.0m
#9 <i>Pinus patula</i> (Mexican Pine) Adjacent to north-east site corner/Pacific Hwy site boundary	7.0m
#14 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to northern site boundary	3.0m
#15 <i>Ficus macrocarpa</i> var. 'Hillii' (Hill's Fig) Adjacent to north-east site corner	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary in neighbouring property	6.0m
#17 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northern site boundary in neighbouring property	4.0m
#24 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to southern site boundary within site frontage	4.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern/Munderah St site boundary	5.0m
#31 <i>Grevillea robusta</i> (Silky Oak) Adjacent to southern/Munderah St site boundary	5.0m
#35 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	4.0m
#35a <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	2.0m
#39 <i>Phoenix dactylifera</i> (Date Palm) Adjacent to southern/Munderah St site boundary	3.5m
#40 <i>Phoenix dactylifera</i> (Date Palm) Adjacent to southern/Munderah St site boundary	3.5m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m

Adjacent to south west site corner

#45 *Rhododendron spp.* (Rhododendron) 3.0m

Adjacent to south-west site corner

#46 *Podocarpus elatus* (Brown Pine) 5.0m

Adjacent to south-west site corner in neighbouring property

#49 *Eucalyptus paniculata* (Grey Ironbark) 5.0m on south east side

Adjacent to north-west site corner 8.0m elsewhere

#51 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Adjacent to northern site boundary

#52 *Cupressus torulosa* (Bhutan Cypress) 3.0m

Adjacent to northern site boundary

#53 *Cupressus torulosa* (Bhutan Cypress) 3.0m

Adjacent to northern site boundary

Camellia sasanqua (Chinese Camellia) 2.0m

Adjacent to northern site boundary

11. 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

Tree/Location	Radius From Trunk
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#6 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
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Adjacent to eastern/Pacific Hwy site boundary

#7 <i>Liriodendron tulipifera</i> (Tulip tree)	3.0m
--	------

Adjacent to eastern/Pacific Hwy site boundary

#16 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
--	------

Adjacent to northern site boundary in neighbouring property

#49 <i>Eucalyptus paniculata</i> (Grey Ironbark)	5.0m on south-east side
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Adjacent to north-west site corner	8.0m elsewhere
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12. 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.
13. The following tree species shall be planted, at no cost to Council, as an evenly spaced formal avenue planting, in the nature strip fronting the property along Munderah St. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
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<i>Eucalyptus saligna</i> (Bluegum)	7
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14. Following removal of the *Cinnamomum camphora* (Camphor laurel) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
15. 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
#43 <i>Prunus serrulata</i> (Weeping Tibetan Cherry)	
Proposed building footprint	Within the Munderah St site frontage

16. 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.
17. 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.
18. The following noxious and/or environmental weed species shall be removed from the property prior to completion of the proposed building works.

Plant Species
 #3 *Erythrina x sykesii* (Coral tree)
 #58 *Acer negundo* (Box Elder)

19. 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.
20. 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).
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.**

28. 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.
29. 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".
30. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
31. 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 car park preventing this service.

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

32. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate for the **archival recording of No. 1A Munderah Street (contributory item in UCA)**

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

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports.

Three copies of the report must be submitted, one copy with negatives. Any supplementary archival documents such as family records, old photographs should also be included.

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

Each elevation

Each interior

All structures on site such as sheds, outhouses, tennis court and pool

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

Minimum requirements:

Title page.

Statement of reasons the recording was made.

Location Plan showing relationship of site to nearby area.

Site plan to scale (1:200 - 1:500) showing all structures and site elements.

Floor Plan (1:100).

Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints).

Digital images and CDs may be submitted as supplementary information.

33. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate **for the archival recording of 1B Munderah Street (tennis court).**

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified person who has 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 mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

Photographs of the tennis court

All structures on site such as sheds, outhouses and significant landscape features (if any)

Several photographs of site 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 and showing the location of the camera for each photograph

Black & White archival quality photographs, contact prints with negatives 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.

34. A report is to be submitted to and approved by Council's Heritage Advisor's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate for the **archival recording of No. 1 & No 3 Munderah Street (demolition of a non-heritage item)**

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognized 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 with negatives 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.

35. The submitted landscape plan L-02 Rev M prepared by Ecodesign and dated 27/01/2006 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:

- The proposed pedestrian stepping stone path located immediately adjacent to the western site boundary is to be relocated so that it has a minimum setback of 2.0m at the nearest point from the western site boundary.
 - Screening shrubs capable of attaining a minimum height of 3.5m is to be planted adjacent to the western site boundary. (No Cypress Pines permitted).
 - The proposed planting of three *Corymbia maculata* (Spotted Gum) adjacent to the proposed retaining wall/western site boundary are to be deleted.
 - The proposed pedestrian stepping stone path located immediately adjacent to the northern site boundary is to be relocated so that it has a minimum setback of 2.5m from the northern site boundary.
 - The northern site boundary is to be planted with screening shrubs capable of attaining a minimum height of 4.0m.
 - The proposed planting of four *Eucalyptus parramattensis* (Parramatta Redgum) adjacent to the northern site boundary is to be deleted and replaced with an endemic tree species consistent with the Sydney Bluegum High Forest plant community. The tree species selected is to be able to attain a minimum height of 13.0m.
 - The existing planting of *Camellia sasanqua* (Chinese Camellia) located adjacent to the northern site boundary (neighbouring #5 Munderah St) is to be retained.
 - Tree #43 *Prunus serrulata* (Weeping Tibetan Cherry) is to be shown on plan in its new location on site.
 - Tree #58 *Acer negundo* (Box Elder) is to be shown to be removed.
 - The proposed planting of five *Cyathea cooperi* (Tree fern) is to be deleted as it is an environmental weed species and replaced with another tree fern species.
 - Existing ground levels and grades are to be maintained beneath the canopy drip line of tree #49 *Eucalyptus paniculata* (Grey Ironbark) as recommended by the consulting Arborist.
36. 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.

37. A CASH BOND/BANK GUARANTEE of \$6 500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the 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
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern/Munderah St site boundary	\$2,000.00
#39 <i>Phoenix dactylifera</i> (Date Palm) Adjacent to southern/Munderah St site boundary	\$1,000.00
#40 <i>Phoenix dactylifera</i> (Date Palm) Adjacent to southern/Munderah St site boundary	\$1,000.00
#45 <i>Rhododendron spp.</i> (Rhododendron) Adjacent to south-west site corner	\$500.00
#49 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to north-west site corner	\$2,000.00

38. 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.
39. 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.

40. The Applicant must carry out the following infrastructure works in the Public Road:
- a. construct a concrete footpath for the Munderah Street frontage of the site.

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.

41. 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.
42. 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.
43. 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 Haddad Khalil Mance Arraj Partners for Development Application approval, which are to be advanced as necessary for construction issue purposes.
44. 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.
45. 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.

46. 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 39 X ADDITIONAL DWELLINGS IS CURRENTLY \$920, 676.50. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment and is based on 8 x 'medium' , 25 x 'large' and 9 'very large' dwellings within the Wahroonga precinct. A credit of \$96,972 is given for the 3 x 'very large' dwellings existing on the site.

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

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - <i>Wahroonga</i>	\$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

47. To maximise privacy between medium density housing developments, 1 metre wide planter boxes shall be provided along the northern and eastern edges balconies located on the fourth storey (Units 14 within Block A, B and C). Planting shall be established within planter boxes 1.2 metres above floor level and a minimum screen planting height of 700mm above. Details shall be submitted with the application for a Construction Certificate, to the satisfaction of the Principal Certifying Authority.
48. In order provide a stronger horizontal emphasis and to recede the top floor into the façade, the brick parapets along the southern elevation of Blocks A, B and C,

at fourth floor level shall be reduced in size to form a consistent line with the top floor of the building.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

49. 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
#4 <i>Acer palmatum</i> (Japanese Maple) Adjacent to south-east site corner/Pacific Hwy site boundary	4.0m
#6 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern/Pacific Hwy site boundary	4.0m to south-west 6.0m elsewhere
#7 <i>Liriodendron tulipifera</i> (Tulip tree) Adjacent to eastern/Pacific Hwy site boundary	1.5m to south-west 4.0m elsewhere
#9 <i>Pinus patula</i> (Mexican Pine) Adjacent to north-east site corner/Pacific Hwy site boundary	7.0m
#14 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to northern site boundary	3.0m
#15 <i>Ficus macrocarpa</i> var. 'Hillii' (Hill's Fig) Adjacent to north-east site corner	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary in neighbouring property	4.0m
#17 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northern site boundary in neighbouring property	4.0m
#24 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to southern site boundary within site frontage	4.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern/Munderah St site boundary	5.0m
#31 <i>Grevillea robusta</i> (Silky Oak) Adjacent to southern/Munderah St site boundary	5.0m
#35 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	4.0m
#35a <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	2.0m

- | | |
|---|-------------------------|
| #39 <i>Phoenix dactylifera</i> (Date Palm) | 3.5m |
| Adjacent to southern/Munderah St site boundary | |
| #40 <i>Phoenix dactylifera</i> (Date Palm) | 3.5m |
| Adjacent to southern/Munderah St site boundary | |
| #44 <i>Jacaranda mimosifolia</i> (Jacaranda) | 4.0m |
| Adjacent to south west site corner | |
| #45 <i>Rhododendron spp.</i> (Rhododendron) | 3.0m |
| Adjacent to south-west site corner | |
| #46 <i>Podocarpus elatus</i> (Brown Pine) | 5.0m |
| Adjacent to south-west site corner in neighbouring property | |
| #49 <i>Eucalyptus paniculata</i> (Grey Ironbark) | 5.0m on south-east side |
| Adjacent to north-west site corner | 8.0m elsewhere |
| #51 <i>Jacaranda mimosifolia</i> (Jacaranda) | 5.0m |
| Adjacent to northern site boundary | |
| #52 <i>Cupressus torulosa</i> (Bhutan Cypress) | 3.0m |
| Adjacent to northern site boundary | |
| #53 <i>Cupressus torulosa</i> (Bhutan Cypress) | 3.0m |
| Adjacent to northern site boundary | |
| <i>Camellia sasanqua</i> (Chinese Camellia) | 2.0m |
| Adjacent to northern site boundary | |
50. 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.
51. 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.
52. 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.

53. 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 vehicular or repeated pedestrian access is required/proposed:

Tree/Location	Radius in Metres
#4 <i>Acer palmatum</i> (Japanese Maple) Adjacent to south-east site corner/Pacific Hwy site boundary	4.0m
#6 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern/Pacific Hwy site boundary	6.0m
#7 <i>Liriodendron tulipifera</i> (Tulip tree) Adjacent to eastern/Pacific Hwy site boundary	3.0m
#9 <i>Pinus patula</i> (Mexican Pine) Adjacent to north-east site corner/Pacific Hwy site boundary	7.0m
#14 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to northern site boundary	3.0m
#15 <i>Ficus macrocarpa</i> var. 'Hillii' (Hill's Fig) Adjacent to north-east site corner	5.0m
#16 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary in neighbouring property	6.0m
#17 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northern site boundary in neighbouring property	4.0m
#24 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to southern site boundary within site frontage	4.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern/Munderah St site boundary	5.0m
#31 <i>Grevillea robusta</i> (Silky Oak) Adjacent to southern/Munderah St site boundary	5.0m
#35 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	4.0m
#35a <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	2.0m
#39 <i>Phoenix dactylifera</i> (Date Palm) Adjacent to southern/Munderah St site boundary	3.5m
#40 <i>Phoenix dactylifera</i> (Date Palm) Adjacent to southern/Munderah St site boundary	3.5m
#44 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south-west site corner	4.0m

#45 <i>Rhododendron spp.</i> (Rhododendron)	3.0m
Adjacent to south-west site corner	
#46 <i>Podocarpus elatus</i> (Brown Pine)	5.0m
Adjacent to south-west site corner in neighbouring property	
#49 <i>Eucalyptus paniculata</i> (Grey Ironbark)	5.0m on south-east side
Adjacent to north-west site corner	8.0m elsewhere
#51 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Adjacent to northern site boundary	
#52 <i>Cupressus torulosa</i> (Bhutan Cypress)	3.0m
Adjacent to northern site boundary	
#53 <i>Cupressus torulosa</i> (Bhutan Cypress)	3.0m
Adjacent to northern site boundary	
<i>Camellia sasanqua</i> (Chinese Camellia)	2.0m
Adjacent to northern site boundary	

54. 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
#4 <i>Acer palmatum</i> (Japanese Maple)	4.0m
Adjacent to south-east site corner/Pacific Hwy site boundary	
#6 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
Adjacent to eastern/Pacific Hwy site boundary	
#7 <i>Liriodendron tulipifera</i> (Tulip tree)	3.0m
Adjacent to eastern/Pacific Hwy site boundary	
#9 <i>Pinus patula</i> (Mexican Pine)	7.0m
Adjacent to north east site corner/Pacific Hwy site boundary	
#14 <i>Cupressus sempervirens</i> (Italian Cypress)	3.0m
Adjacent to northern site boundary	
#15 <i>Ficus macrocarpa</i> var. 'Hillii' (Hill's Fig)	5.0m
Adjacent to north-east site corner	
#16 <i>Liquidambar styraciflua</i> (Sweet Gum)	6.0m
Adjacent to northern site boundary in neighbouring property	
#17 <i>Corymbia maculata</i> (Spotted Gum)	4.0m
Adjacent to northern site boundary in neighbouring property	
#24 <i>Ulmus parvifolia</i> (Chinese Elm)	4.0m

Adjacent to southern site boundary within site frontage

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

Adjacent to southern/Munderah St site boundary

#31 *Grevillea robusta* (Silky Oak) 5.0m

Adjacent to southern/Munderah St site boundary

#35 *Brachychiton acerifolius* (Illawarra Flame Tree) 4.0m

Adjacent to southern site boundary

#35a *Brachychiton acerifolius* (Illawarra Flame Tree) 2.0m

Adjacent to southern site boundary

#39 *Phoenix dactylifera* (Date Palm) 3.5m

Adjacent to southern/Munderah St site boundary

#40 *Phoenix dactylifera* (Date Palm) 3.5m

Adjacent to southern/Munderah St site boundary

#44 *Jacaranda mimosifolia* (Jacaranda) 4.0m

Adjacent to south west site corner

#45 *Rhododendron spp.* (Rhododendron) 3.0m

Adjacent to south west site corner

#46 *Podocarpus elatus* (Brown Pine) 5.0m

Adjacent to south-west site corner in neighbouring property

#49 *Eucalyptus paniculata* (Grey Ironbark) 6.0m

Adjacent to north-west site corner 8.0m

#51 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Adjacent to northern site boundary

#52 *Cupressus torulosa* (Bhutan Cypress) 3.0m

Adjacent to northern site boundary

#53 *Cupressus torulosa* (Bhutan Cypress) 3.0m

Adjacent to northern site boundary

Camellia sasanqua (Chinese Camellia) 2.0m

Adjacent to northern site boundary

55. 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.
56. Prior to the commencement of bulk excavation, a geotechnical investigation comprising three or more cored boreholes drilled to at least 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.

The report is to include the following:

- Recommendations for excavation methods and support;
- Recommendations for vibration trials and monitoring;
- Identify structures for dilapidation reporting;
- Potential for adverse jointing in shale and frequency of geotechnical inspections; and
- Groundwater management.

57. 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.

58. 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.

59. 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.

60. 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 1610 Pacific Highway and any other structures identified in the geotechnical report.

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.

61. 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.

For traffic and pedestrian amenity no truck movements shall occur in Munderah Street or Ada Avenue during school drop off (8.00 to 9.30am) and pick up (2.30 to 4.00pm) hours.

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

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

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

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- 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.

62. 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.

63. 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 Munderah Street over the site frontage.
 - Pacific Highway southbound section over the site frontage;
 - All driveway crossings and laybacks in Munderah Street 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

64. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
65. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

66. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the

thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

67. 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. Documentary evidence of inspections by and documentation from the Arborist to the Principal Certifying Authority as specified shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
68. 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:
69. 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.
70. 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.
71. 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.
 - New concrete footpath for the Munderah Street frontage of the site.
 - 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.
72. 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.
73. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
74. 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 a sign or similar has been installed indicating the location of the three visitor parking spaces on basement Level 3.
 - 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.
75. 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.
76. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
 - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - The size of the orifice or control fitted to any on-site detention system.
 - Dimensions of the discharge control pit and access grates.
 - The maximum depth of storage possible over the outlet control.
 - Top water levels of storage areas and indicative RLs through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be

marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

77. 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.
78. 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.
79. 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.
80. 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 and infrastructure originally assessed.

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

81. 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.

82. 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.

83. Prior to the issue of an 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.

BUILDING CONDITIONS

84. 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.
85. 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.
86. **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.

87. To maintain existing ground levels all excavated material shall be removed from the site.
88. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
89. 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.
90. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
91. 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.
92. 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.
93. 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.

94. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
95. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
96. 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.
97. 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.

98. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
99. 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.

100. 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.
101. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
102. 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.
103. 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.
104. 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.

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

Against the Resolution: *Councillor Bennett*

46

4 to 12 Babbage Road, Roseville - Lease Renewal

File: P33559

To advise Council of The Cavalcade of History and Fashion Inc. exercising its option to renew the lease for the room located at the northern end of the East Roseville Community Centre, 4 - 12 Babbage Road, Roseville.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council receive and note the exercise of option and approve the grant of a 3 year lease to The Cavalcade of History and Fashion Inc. for the room at East Roseville Community Hall.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.

- C. That Council authorise the affixing of the Common Seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

47 **Investment Cash Flow & Loan Liability as at 31 January 2006**

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File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of Loan Liability for January 2006.

Resolved:

(Moved: Councillors Ryan/Lane)

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

CARRIED UNANIMOUSLY

48 **Statement of Co-operation between Councils**

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File: S02137

To advise Council of the City of Ryde Council's proposal for the development of a formal Statement of Co-operation with each of its neighbouring Councils.

Resolved:

(Moved: Councillors Lane/Ryan)

That the Mayor and/or Acting General Manager, or their delegates attend the initial meeting to be hosted by the City of Ryde to discuss the proposal.

CARRIED UNANIMOUSLY

49 **Timetable & Progress for the Amendment to Bushfire Prone Land Map**

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File: S02643

To report to Council on the timetable and process for amendment to the Bushfire Prone Land Map.

Resolved:

(Moved: Councillors Lane/Andrew)

- A. That Council adopt the timetable and process for the review of the Bushfire Prone Land.
- B. That a draft Bush Fire Prone Land Map be considered by Council in November 2006.

CARRIED UNANIMOUSLY

50

Minor Amendments to Development Control Plan No 38 - Dwelling Houses & Development Control Plan No 55 - Multi-Unit Development

File: S02084, S02988

To propose that minor amendments be made to Development Control Plan No 38 - Dwelling Houses (DCP 38) and Development Control Plan No 55 - Multi Unit Development (DCP 55) prior to State Government changes after 30 April 2006.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That draft DCP 55 and draft DCP 38 be exhibited with minor amendments as outlined in the report.
- B. That DCP 55 be amended to have Design Controls for the use of PVC similar to the clauses under the proposed Ku-ring-gai (Town Centres) DCP.
- C. That a report be brought back to Council following exhibition of the draft DCPs.

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

Against the Resolution: Councillor Bennett

51

Proposed Sale of Carlotta Avenue, Gordon - Council Depot Site

File: S04550

The purpose of this report is to advise Council of the status of the Expressions of Interest relating to the sale of the existing depot site and to seek Council's endorsement for the sale by tender.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That Council proceeds with the sale of the existing depot site by tender for Lot 1 only and that the tender documents indicate that development in accordance with SEPP (Seniors Living) is permissible for the site.
- B. That Council retains ownership of Lot 2 being for public open space.
- C. That the plan of sub division be reduced to a 2 lot sub division with Lot 1 incorporating Lots 3 and 4.
- D. That a draft planning agreement be prepared requiring embellishment of Lot 2 for tree planting and passive recreation public open space and to address any liability surrounding vacant council operational structures encroaching on the allotment.
- E. That adjoining residents be notified of the potential for the site to be developed under the SEPP (Seniors Living) and what is the likely control variations between the SEPP and the Masterplan.

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

Against the Resolution: Councillor Bennett

*Standing Orders were suspended to deal with
those items where there are speakers first after a Motion
by Councillors Lane & Ryan was
CARRIED UNANIMOUSLY*

52

16 Cecil Street, 669 & Part of 671 Pacific Highway, Gordon

File: DA0935/05

Ward: Gordon

The following members of the public addressed Council:

**N McIntosh
B McIntosh
G Zylber
S Schinagel**

To address matters raised at the site inspection and in submissions received from Simon Davey and seek Council's determination of DA935/05.

Resolved:

(Moved: Councillors Lane/Ryan)

Having regard to the provisions of section 79C of the Environment Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved.

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 25I(3) – Minimum Street Frontages of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the relevant objectives would still be achieved, despite the non-compliance.

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA935/05 is consistent with the aims of the Policy, grant development consent to DA 935/05 for demolition of existing structures and construction of two (2) residential flat buildings on land at Nos. 16 Cecil Street, 669 Pacific Highway and part of No. 671 Pacific Highway on a deferred commencement basis, for a period of two (2) years from the date of the Notice of determination subject to the following terms and conditions:

SCHEDULE A

1. The strip of land (approximately 2.5 metres wide) adjacent to the southern boundary of No. 671 The Pacific Highway, Gordon (being the subject of the consent to DA No. 582/05) must be transferred to the development site and all other parcels of land including Nos. 16 Cecil Street, 669 Pacific Highway and that part of No. 671 Pacific Highway must be consolidated into one development site and registered with the Land Titles Office prior to the operation of this consent.

NOTE: The matters referred to in Schedule A must be completed to Council's satisfaction with two (2) years from the date of this Deferred Commencement Consent before the Consent operates.

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

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

SCHEDULE B

GENERAL CONDITIONS

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

Architectural Plans

Dwg. No.	Description	Author	Dated	Lodged
42.05/112"A"	Landscape Plan	Ian Jackson	July 2005	30 Nov 2005
42.05/111	Landscape Plan	Ian Jackson	July 2005	29 Aug 2005
DA03A	Ground Floor Plan	Wolski Lycenko & Brecknock Architects	30 Nov 2005	30 Nov 2005
DA04	First (2 nd & 3 rd) Floors	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Nov 2005
DA05	Fourth Floor	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Aug 2005
DA06	Elevations/Sections	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Aug 2005
DA07	Elevations/Sections	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Aug 2005
DA08	Elevations/Sections	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Aug 2005
DA01	Lower Basement	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Aug 2005
DA02	Basement	Wolski Lycenko & Brecknock Architects	25 Aug 2005	29 Aug 2005
	Schedule Of Materials	Wolski Lycenko & Brecknock Architects	Undated	29 Aug 2005

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
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 667 and 671 Pacific Highway, 14 Cecil 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. 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.
- 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. 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.
21. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
22. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
23. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
24. 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.
25. 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.
26. 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.

27. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
28. 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.
29. 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.
30. 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.
31. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
32. 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.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 37. The paving and walls of the driveway should be in materials commonly found in the vicinity such as brick or stone to reduce any visual impacts on the group of adjoining heritage items and to be complimentary with the National Trust Conservation Area.
 38. Photographic recording (to archival standards) should be undertaken on all buildings demolished for this development.
 39. 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.
 40. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.
 41. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system 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.

42. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
43. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
44. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
45. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
46. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
47. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" as a minimum requirement.
48. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where

remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.

49. 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.
50. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
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 shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
52. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development works, particularly excavation, vibration monitoring, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the preliminary geotechnical report prepared by Jeffery and Katauskas Ref 19532Vrpt, and report(s) prepared after further investigation.
53. Approval is to be obtained from Ku-ring-gai Council Traffic Committee and RTA for any temporary public road closures and/or placement of cranes on public land.
54. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
55. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.

56. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
57. Release of the Construction Certificate gives automatic approval to the removal only of those trees located on the subject property within the footprint of an approved new building/structure or within 3.0 metres of an approved new residence, measured from the centre of the trunk of the tree to the external wall of the residence. Where this application is for a building/structure other than a residential building then only trees within the area to be occupied by this building/structure may be removed.
58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location	Time of inspection
All existing trees to be retained on site	Prior to demolition
	Post demolition
	Prior to excavation
	Post excavation
	Prior to construction works
	Monthly intervals during construction
	At the completion of construction works
	At the completion of all works on site

59. Landscape works shall be carried out in accordance with Landscape Drawing No 42.05/105-112"A", 42.05-111 sheets prepared by Ian Jackson and dated July 2005 submitted with the Development Application, except as amended by the following:
- * The proposed planting of *Toona ciliata* (Red Cedar) adjacent to the north east site boundary within the Cecil St frontage is to be deleted and replaced with a *Nyssa sylvatica* (Tupelo) with a minimum pot size of 75 litre.
 - * The proposed planting of *Cyathea cooperi* (Tree fern) is to be deleted and replaced with *Dicksonia* spp. as the nominated species is a weed species.
 - * The proposed planting of a *Eucalyptus saligna* (Bluegum) adjacent to the north east site boundary within the Cecil St site frontage is to be deleted and replaced with an *Angophora floribunda* (Rough Barked Apple)
60. REMOVAL/PRUNING of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an

experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

A. *Melaleuca quinquenervia* (Broad leaf paperbark)
Cecil St nature strip.

61. 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
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B. <i>Callistemon salignus</i> (Willow Bottlebrush) Cecil St nature trip	2.5m
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#1 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to south west/Pacific Hwy site boundary	4.0m
--	------

#2 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to western site corner/Pacific Hwy frontage	3.0m
--	------

#4 <i>Eucalyptus scoparia</i> (Willow Gum) Adjacent to the north west (side) site/church boundary	4.0m
--	------

#23 <i>Melia azaderach</i> (White Cedar) Adjacent to south east site boundary in neighbouring property	3.0m
---	------

#27 <i>Ulmus parvifolia</i> (Chinese Elm) Cecil St site frontage	4.0m
---	------

#28a <i>Pyrus ussuriensis</i> (Manchurian Pear) Adjacent to eastern (side) site boundary	1.5m
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#29 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	3.0m
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62. 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>Chamaecyparis spp.</i> (Cypress) Adjacent to south west/Pacific Hwy site boundary	4.0m
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#2 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to western site corner/Pacific Hwy frontage	3.0m
--	------

#4 <i>Eucalyptus scoparia</i> (Willow Gum) Adjacent to the north west (side) site/church boundary	4.0m
--	------

#23 <i>Melia azaderach</i> (White Cedar) Adjacent to south east site boundary in neighbouring property	3.0m
---	------

#27 <i>Ulmus parvifolia</i> (Chinese Elm)	4.0m
---	------

Cecil St site frontage

#28a *Pyrus usseriensis* (Manchurian Pear) 1.5m
Adjacent to eastern (side) site boundary

#29 *Jacaranda mimosifolia* (Jacaranda) 3.0m
Adjacent to eastern site boundary

63. 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.
64. Following removal of any approved street trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
65. 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
#28 <i>Arcontophoenix cunninghamiana</i> (Bangalow Palm)	Elsewhere within front setback

Driveway Footprint

66. 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.
67. The 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
68. The creeper at the south-east corner of the development site that falls over the wall to the tennis court at no. 14 Cecil Street must be retained to provide further screening.
69. A security swipe card system (not key operated) must be installed to the buildings and the carpark to restrict entry to the development to residents, their visitors and trades people to enhance site security.

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

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

Total contribution for this development of forty-seven (47) additional dwellings is currently \$818,417.48. 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

73. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
74. Prior to issue of the Construction Certificate, a qualified civil/traffic engineer must endorse the drawings and certify that vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2 004 “Off-Street car parking”.
75. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The notice of requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.

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

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

78. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
79. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by

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

80. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design is to be generally in accordance with the Stormwater Drainage plans prepared by AFCE Environment + Infrastructure, submitted with the development application, and advanced as necessary for construction issue purposes. **Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.**
81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.
82. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
#1 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to south west/Pacific Hwy site boundary	4.0m

83. To preserve the following tree/s, footings of the proposed pedestrian entry pavilion and any masonry works shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 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>Chamaecyparis spp.</i> (Cypress) Adjacent to south west/Pacific Hwy site boundary	4.0m
#2 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to western site corner/Pacific Hwy frontage	3.0m
#4 <i>Eucalyptus scoparia</i> (Willow Gum) Adjacent to the north west (side) site/church boundary	4.0m
#27 <i>Ulmus parvifolia</i> (Chinese Elm) Cecil St site frontage	4.0m

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 \$9 000.00 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
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#1 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to south west/Pacific Hwy site boundary	\$2,000.00
#2 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to western site corner/Pacific Hwy frontage	\$2,000.00
#4 <i>Eucalyptus scoparia</i> (Willow Gum) Adjacent to the north-west (side) site/church boundary	\$1,000.00
#27 <i>Ulmus parvifolia</i> (Chinese Elm) Cecil St site frontage	\$2,000.00
#29 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	\$2,000.00

86. The walls of the car park must be constructed of either facebrick or sandstone with some plantings along the driveway to minimise the visual impact of the driveway on the National Trust Conservation Area and the adjoining heritage item. The planter box must not reduce sightlines for motorists or the width of the driveway. Accordingly, the architectural plans must be amended in this respect prior to the issue of the construction certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

87. 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.
88. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the southbound road pavement of Pacific Highway, including kerb and gutter, over the site frontage, and the road pavement, including kerb and gutter, of Cecil Street, for the site frontage and extending to the Pacific Highway intersection.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

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

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

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

Traffic Control Plan(s) for the site

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

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

- * Light traffic roads and those subject to a load or height limit must be avoided at all times.
- * A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- * 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.

For traffic and pedestrian amenity no truck movements shall occur in Cecil Street during school drop off (7.45 to 8.30am) and pick up (2.30 to 3.45pm) hours.

In addition, the plan must address:

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

The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

90. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring buildings within the 'zone of influence' of the excavation. Dilapidation surveys of 14 Cecil Street and 667 and 671 Pacific Highway are required unless written advice is received from the geotechnical engineer that no such surveys are necessary. If submitted, reports must be completed by a

consulting structural/geotechnical engineer as determined necessary by that professional. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.

91. 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.
92. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
 - * RTA concurrence to the proposed temporary rock anchors
 - * How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - * That the locations of the rock anchors are registered with Dial Before You Dig
 - * That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - * That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - * That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The

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

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

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

93. 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.
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.

Tree/Location	Radius in Metres
B. <i>Callistemon salignus</i> (Willow Bottlebrush) Cecil St nature trip	2.0m
#2 <i>Chamaecyparis spp.</i> (Cypress) Adjacent to western site corner/Pacific Hwy frontage	4.0m
#4 <i>Eucalyptus scoparia</i> (Willow Gum) Adjacent to the north-west (side) site/church boundary	4.0m
#23 <i>Melia azaderach</i> (White Cedar) Adjacent to south east site boundary in neighbouring property	3.0m
#27 <i>Ulmus parvifolia</i> (Chinese Elm) Cecil St site frontage	4.0m
#28a <i>Pyrus usseriensis</i> (Manchurian Pear) Adjacent to eastern (side) site boundary	1.5m
#29 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	3.0m

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 covered pedestrian cabana shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area.

The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
#1 <i>Chamaecyparis</i> spp. (Cypress) Adjacent to south-west/Pacific Hwy site boundary	4.0m

96. 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.
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/principal certifying authority.
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. 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 deep soil zones (50% of site), building levels, setbacks and floor to ceiling heights in accordance with architectural plans.
102. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report prepared by Jeffery and Katauskas and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
103. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
- * Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
 - * Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - * Full repair and resealing of any road surface damaged during construction.
 - * Full 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.

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

104. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
105. Prior to issue of an Occupation Certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
106. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
- * That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.

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

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

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

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

109. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- * Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “ Off-Street car parking” and
- * No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.

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

- * Pacific Highway southbound lane for the full frontage of the site;
- * Cecil Street for the site frontage and to the Pacific Highway;
- * Structures at 14 Cecil Street and 667 and 671 Pacific Highway, if originally assessed.

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

111. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be shown on an annexure.
112. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be shown on an annexure.

113. Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the permanent water quality measures. The location of the water quality measures are to be shown on an annexure.
114. Prior to issue of an Occupation Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
115. 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.
116. 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

BUILDING CONDITIONS

117. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
118. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
119. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
120. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

122. 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.

123. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.

- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the proposal 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 Compliance Certificate that the solid fuel heater, stove or fireplace complies with Part 3.7.3 of the Building Code of Australia Housing Provisions.
- h. A Compliance Certificate that the slow combustion or oil fired stove complies with Part G2.21 of the Building Code of Australia.
- i. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas

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

Against the Resolution: *Councillor Cross*

53

Turramurra Town Centre - Additional Matters - Heritage, Hillview, Interface Sites

File: S04038

The following members of the public addressed Council:

**I Ellis-Jones
C Turton
R Bolin
K Soutar
B Symons
J Wee**

To present to Council additional information relating to Turramurra Town Centre for the preparation of a draft Local Environmental Plan and Development Control Plan for the centre.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That the following properties be included as draft heritage items in Schedule 6 of the Draft Local Environmental Plan for the Turramurra Town Centre.

Address	Item Name /Description
1247 Pacific Highway Turramurra.	Masonic Temple,
1334 Pacific Highway, Turramurra	Hillview
1340 Pacific Highway, Turramurra	Hillview Garages
1356 Pacific Highway, Turramurra.	Former Commonwealth Bank
1358 and 1360 Pacific Highway, Turramurra	Pair Federation Shops
1428 Pacific Highway, Turramurra	Inter-war Tudor style dwelling
1458 Pacific Highway, Turramurra	Dwelling
10 Turramurra Avenue, Turramurra.	Uniting Church,
8 Kissing Point Road, Turramurra	Federation dwelling
2-4 Boyd Street, Turramurra.	Semi detached Federation dwellings
8 Ray Street, Turramurra	Inter-war Georgian
	Revival/Mediterranean dwelling
17A Eastern Road, Turramurra	St Margaret's Church

CARRIED UNANIMOUSLY

- B. That the Draft Local Environmental Plan for the Turramurra town centre include the rezoning of additional lands in accordance with the following table and as outlined in this report.

Land Description	Addresses	Proposed Zones
Hillview and adjoining sites commercial sites	1334, 1340, 1356, 1156a, 1358, 1360 1362 Pacific Highway, 2 Kissing Point Road	Local Centre
Area bounded by Ray Street, Pacific Highway, Cherry Street and railway line	1345, 1351, 1359 Pacific Highway, 6, 8 10, 12, 14, 16, 18 Ray Street, 2 Cherry Street	Residential - High Density
Corner of Pacific Highway and Duff Street	1A Duff Street, 1416 and 1420 Pacific Highway	Residential - High Density
Corner of Kissing Point Road and Boyd Street	4-6, 8 Kissing Point Road, 2-4, 6 Boyd Street	Residential - High Density
Area bounded by Rohini Street Eastern Road, King Street, pathway between King and Cherry Streets and railway line	51, 53 Rohini Street, 22, 24, 26, 28 Eastern Road 6 King Street	Residential - High Density
	1428, 1458 Pacific Highway	Residential - High Density
	30, 32 Turramurra Avenue, 37, 39 Gilroy Road	Residential - Medium Density

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

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

- C. That land between Duff Street and Finlay Road, Turramurra currently zoned 2(d3) be included the Draft Local Environmental Plan for the Turramurra town centre. This land is to be zone Residential High density with development standards equivalent to the 2(d3) zone. Draft development controls for this land

based on the revised draft nominated area controls previously proposed for DCP 55 are to be included in the draft town centre DCP.

- D. That the travel agent site on 10 William Street Turramurra be identified for retention within the draft Turramurra town centre DCP and that appropriate built form controls be provided for the site within the draft DCP.
- E. That an independent heritage report for 6, 8 and 10 William Street be undertaken.

CARRIED UNANIMOUSLY

**Council adjourned for a short interval at 8.55pm
during discussion on the above item
after a Motion moved by
the Mayor, Councillor Malicki & Councillor Ebbeck was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 9.25pm**

Those present were:

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

*Standing Orders were suspended to deal with
NM.1 - Entry Signs for Ku-ring-gai which was
CARRIED UNANIMOUSLY*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

54 Entry Signs For Ku-ring-gai

File: S02646

Notice of Motion from Councillor A Ryan dated 30 January 2006.

2006 is a significant year for this Council as we celebrate our Centenary. The installation of appropriate welcome signs at the main entry points into the Local Government Area will undoubtedly help present, and celebrate, this momentous

occasion to the residents of Ku-ring-gai, and to the thousands of people who pass through our suburbs every day.

The suggested location of the signs would be:

1. At each end of the Pacific Highway at Roseville and Wahroonga.
2. At Mona Vale Road at St Ives.
3. At Ryde Road, West Pymble
4. At Junction Road, Wahroonga
5. At Archbold Road, Roseville
6. At Boundary Street, Roseville
7. At Lady Game Drive, Lindfield
8. At The Comenarra Parkway, Wahroonga

It is considered appropriate for Council to engage a Graphic Artist to assist with the design and style of the entry signs and that funding be made available from the revenue obtained from the Bus Shelter advertising.

I move:

- "A. That Council seek quotations within one (1) month from three (3) suitably qualified graphic design artists for the design of 'entry signs' to the Ku-ring-gai Local Government Area and that those designs reflect, in part, the Centenary of Local Government.
- B. That 'entry signs' be located at the above locations in Point B or at other suitable sites as recommended in the officer's report.
- C. Following the selection of suitably qualified graphic design artists that three (3) options for the design, together with the costing, be brought back to Council within 3 months.
- D. That the cost of the design work carried out by the graphic artist and the entry signs be funded from the bus shelter reserves to a maximum value of 50% of the Centenary Year's bus shelter advertising revenue."

Resolved:

(Moved: Councillors Ryan/Lane)

That the above Notice of Motion as amended be adopted.

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

Against the Resolution: *Councillor Bennett*

Councillor Ryan departed

55

St Ives Town Centre Draft Local Environmental Plan & Draft Development Control Plan - Final Amendments prior to Exhibition

File: S04019

The following members of the public addressed Council:**W Simpson****A McCabe**

To provide for Council's consideration the final amendments to the Town Centres Draft Local Environmental Plan (LEP) and Draft Development Control Plan (DCP) prior to exhibition.

Resolved:

(Moved: Councillor Hall/Shelley)

That the following amendments be made to the draft St Ives Town planning controls prior to formal exhibition:

- A. The Draft LEP and draft DCP controls for 15-17 Stanley Street St Ives be amended to include the following planning controls; a maximum total FSR of 2.0:1, maximum height 5 storeys (4.6), maximum site coverage of 55% and retail floor space Minimum 0.3:1 and maximum 0.45:1.
- B. The Draft Local Environmental Plan and Draft Development Control Plan controls for 1-24 Stanley close be amended to include the following planning controls; a maximum FSR of 1.6:1, maximum site coverage 45%, maximum height 5 storeys (4.6), maximum retail floor space of 0.10:1 and maximum commercial floor space of 0.06:1. and that the draft zoning under the LEP be high density residential with shops as an additional permitted use.
- C.
 1. The Draft Local Environmental Plan and Draft Development Control Plan controls for 238-240 Mona Vale Road, St Ives (site 1) be amended to include the following planning controls; maximum FSR of 0.9:1, maximum height 4 storeys (3.6) and maximum site coverage of 35%. The draft zoning be changed to high density residential to be consistent with other zones that permit 4 storey (3.6) development, with hospitals and residential flats permitted in this zone.
 2. The Draft LEP and Draft Development Control Plan that provides for the following planning controls for a hospital at 238 – 240 Mona Vale Road a minimum of 0.9:1 and a maximum FSR 1.3:1, subject to an economic viability report following the exhibition period, maximum height 5 storeys (4.6) and a maximum site coverage of 40%. That the Clause also include assessment considerations.

- D. The Draft Local Environmental Plan and draft Development Control Plan controls for 190- 200 Mona Vale Road, St Ives, the Draft LEP and draft DCP be amended to include the following planning controls; a maximum FSR of 2.4:1, minimum retail of 0.5:1 and maximum retail of 0.8:1, height 5 storeys (4.6) and site coverage of 85%.
- E. That the St Ives Town Centre Draft Local Environmental Plan be amended prior to exhibition to include the Energy Australia Substation site at 206 Mona Vale Road, St Ives (Lot 1 DP29167 and Lot 1 DP1090486) as an Infrastructure (Electricity Supply) zone.

For the Resolution: Councillors Cross, Ebbeck, Hall, Lane & Shelley

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

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

(Moved: Councillor Bennett/The Mayor, Councillor E Malicki)

- A. The Draft LEP and draft DCP controls for 15-17 Stanley Street St Ives be amended to include the following planning controls; a maximum total FSR of 2.0:1, maximum height 5 storeys (4.6), maximum site coverage of 55% and retail floor space Minimum 0.3:1 and maximum 0.45:1.
- B. The Draft Local Environmental Plan and Draft Development Control Plan controls for 1-24 Stanley close be amended to include the following planning controls; a maximum FSR of 1.6:1, maximum site coverage 45%, maximum height 5 storeys (4.6), maximum retail floor space of 0.10:1 and maximum commercial floor space of 0.06:1. and that the draft zoning under the LEP be high density residential with shops as an additional permitted use.
- C. The Draft Local Environmental Plan and Draft Development Control Plan controls for 238-240 Mona Vale Road, St Ives (site 1) be amended to include the following planning controls; maximum FSR of 0.9:1, maximum height 4 storeys (3.6) and maximum site coverage of 35%. The draft zoning be changed to high density residential to be consistent with other zones that permit 4 storey (3.6) development, with hospitals and residential flats permitted in this zone. That the feasibility of a hospital commencing at 0.9:1 and 1.3:1 that a report come back to Council on the feasibility issue and if necessary be re-exhibited with another town centre plan..
- D. The Draft Local Environmental Plan and draft Development Control Plan controls for 190- 200 Mona Vale Road, St Ives, the Draft LEP and draft DCP be amended to include the following planning controls; a maximum

FSR of 2.4:1, minimum retail of 0.5:1 and maximum retail of 0.8:1, height 5 storeys (4.6) and site coverage of 85%.

- E. That the St Ives Town Centre Draft Local Environmental Plan be amended prior to exhibition to include the Energy Australia Substation site at 206 Mona Vale Road, St Ives (Lot 1 DP29167 and Lot 1 DP1090486) as an Infrastructure (Electricity Supply) zone.

Councillors Cross & Andrew departed

56 **Submission on the Draft Productivity Commission's Draft Report - Heritage**

File: S04723

The following member of the public addressed Council:

J Boyd

To provide Council with a draft submission on the Productivity Commission's Draft Report into the Conservation of Australia's Historic Heritage Places.

Resolved:

(Moved: Councillors Shelley/Ebbeck)

- A. That Council note the Productivity Commission's draft Report into the Conservation of Australia's Historic Heritage Places.
- B. That Council format a submission to the Productivity Commission on the recommendations of the draft report, containing the contents as outlined within this report.
- C. That Council support the existing State and local government heritage regime and the call for conservation incentives that are consistent with the current regime.
- D. That the Council submission to the Productivity Commission be referred to the State Minister for Heritage for his comment and advice in regard to the matter.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Ebbeck, Hall, Lane & Shelley

Against the Resolution: Councillor Bennett

**At 11.50pm a Motion moved by Councillors Ebbeck & Shelley
to extend the meeting until
business is completed was put to the vote**

For the Motion: *The Mayor, Councillor E Malicki, Councillors
Ebbeck, Hall, Lane & Shelley*

Against the Motion: *Councillor Bennett*

57 **2005 to 2009 Management Plan Second Quarter Review as at 31 December 2005**

File: S03918

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

Resolved:

(Moved: Councillors Shelley/Hall)

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

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

Against the Resolution: *Councillor Bennett*

58 **Budget 2005/2006, 2nd Quarter Review as at 31 December 2005**

File: S03918

To present to Council the quarterly financial review for the 2nd quarter ended 31 December 2005.

Resolved:

(Moved: Councillors Shelley/Ebbeck)

That Council adopt the variations contained in this report.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

*The following item was dealt with as a matter of urgency
after a Motion was moved by
the Mayor, Councillor Malicki & Councillor Ebbeck
to that effect & was CARRIED UNANIMOUSLY*

59 MAYORS DESIGN FORUM

File: S02217

The Mayor advised Council of the Mayors Design Forum which is to be held on 2 & 3 March 2006 & sought approval to attend with one night's accommodation.

Resolved:

(Moved: Councillors Malicki/Ebbeck)

That approval be granted for the Mayor, Councillor Malicki to attend the Mayors Design Forum including one night's accommodation.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**60 Damaged Bus Shelter - Lindfield Avenue side of Lindfield Station**

File: S03552

Question Without Notice from Councillor M Shelley

Could the Director Technical Services advise what was the reason for one side of the glass bus shelter falling out of its frame and onto the landscaping on the Lindfield Avenue side of Lindfield Station?

Given the high usage of the shelter by school children, I am concerned that a design flaw may result in the glass sides falling out in high winds or through wilful damage and would appreciate the Director's report on this matter.

Answer by the Director Technical Services

I will take that up with the Company & find out what the cause was & then get back to the Councillor.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 4 March 2006 to view the following property:

27 Warrimoo Avenue, St Ives

The Meeting closed at 12.12am

The Minutes of the Ordinary Meeting of Council held on 28 February 2006 (Pages 1 - 155) were confirmed as a full and accurate record of proceedings on 14 March 2006.

Acting General Manager

Mayor / Chairperson