

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 4 MAY 2004

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

Staff Present: General Manager (Brian Bell)
Director Environment & Regulatory Services (M Miocic)
Director Planning & Environment (Leta Webb)
Director Technical Services (Greg Piconi)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Manager Development Assessment Services (Matthew Prendergast)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

No such interest was declared.

ADDRESS THE COUNCIL

The following member of the public addressed Council on an item not on the Agenda:

I Glendinning

CONFIRMATION OF MINUTES

205 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 27 April 2004

Minutes numbered 179 to 204

Resolved:

(Moved: Councillors Innes/Cross)

That Minutes numbered 179 to 204 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

206 3 To 5 Merriwa Street, Gordon - Petition Of Objection By Residents To Development Application 0271/04 (Thirteen [13] Signatures)

File: DA0271/04

"We, the undersigned, would like to voice our objections to the development of 3 to 5 Merriwa Street, Gordon. Our concerns are:

1. Construction

To minimise noise and traffic congestion in Merriwa Street, which is residential, during construction vehicles use Fitzsimons Lane, which is entirely commercial.

2. Traffic Control

In view of Merriwa Street, narrowing in the relevant area, and commercial traffic adding to already present congestion, the parking entry/exit of the proposed development be altered to feed into Fitzsimons Lane, NOT Merriwa Street.

3. Winter Shadowing

Re Section 5.5 of the Application, shadow diagrams show that at the height proposed by the architect, the development may overshadow the North-east corner of 26-30 Merriwa Street between 9 am and 12 midday, and severely shade residential land further east on Merriwa Street from 12 midday to 3 pm.

This is unacceptable."

Resolved:

(Moved: Councillors Lane/Innes)

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

CARRIED UNANIMOUSLY

207

Kendall Street, West Pymble - Objection To Proposed Footpath (Nineteen [19] Signatures)

File: 88/05614/01

"We, the residents of Kendall Street, oppose the construction of a 1.2 metre wide concrete footpath along the southern side of Kendall Street - between Ryde Road and Inverallan Avenue.

Our objections are:

1. A footpath already exists on the opposite side of the road.
2. This construction will spoil the biological pleasantness of a natural grassway.
3. This pathway does not lead to anywhere, stopping at Inverallan Avenue, is of no value to say, walking to the school or shops.
4. We, the residents, think this is a waste of our Council's money, does not add to the natural beauty, safety, or value of Kendall Street."

Resolved:

(Moved: Councillors Lane/Innes)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES**Minutes of Ku-ring-gai Traffic Committee**

File: S02110

Meeting held 22 April 2004

Minutes numbered KTC5 to KTC9

General Matter - Gordon Ward Traffic Counts

File: S02909

Ward: Gordon

Electorate: Ku-ring-gai

Vide Minute No KTC5

Report on traffic volume counts for Gordon Ward.

Resolved:

(Moved: Councillors Cross/Ebbeck)

That Council notes the traffic volumes recorded in Gordon Ward during 2002 and 2003.

CARRIED UNANIMOUSLY

Traffic and Transport Policy

File: S02527

Vide Minute No KTC6

To update the Traffic and Transport Policy and consider a Rolling Works Program for traffic management works based on Council's adopted criteria.

Resolved:

(Moved: Councillors Cross/Ebbeck)

That Council endorses the updated Traffic and Transport Policy and adopts the draft 5 year Rolling Works Program for traffic management works.

CARRIED UNANIMOUSLY

Bangalla Street Traffic Scheme

File: 88/05099/03

Ward: Wahroonga

Electorate: Ku-ring-gai

Vide Minute No KTC7

To consider the outcome of advertising for proposed treatments in Eastern Rd at Bangalla St and in Bangalla St at Cherry St /Raymond Ave.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That Council note the strong resident objections to the proposed roundabout in Eastern Road at Bangalla Street, low score under Council's ranking criteria and the limited benefit of the proposed treatments.
- B. That in view of the above, the treatments advertised for both intersections, and shown in Sketch Plan Nos: Bangalla/KTC/04/04 and Plan No 2001-020 Rev A, not proceed.
- C. That the Roads and Traffic Authority be informed that its funds of \$23,000 will not be used by Council in 2003/04 for treatments on Bangalla Street and Eastern Road.
- D. That residents who responded to Council's advertising be informed of Council's decision.

CARRIED UNANIMOUSLY

211 **Pentecost Avenue, Pymble**

File: 88/05930/03

Ward: St Ives

Electorate: Ku-ring-gai

Vide Minute No KTC8

C Petherbridge addressed Council

To consider residents' responses to the proposed roundabout in Pentecost Avenue at Bannockburn Road, and interim improvements to traffic facilities at the pedestrian crossing in Pentecost Avenue near Bannockburn Road.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That Council notes the treatments already carried out to improve the crossing include ziz-zag linemarking on its approaches and changes to the painted island in Pentecost Avenue, and that the removal of the Liquidambar tree on the nature strip adjacent to 134 Pentecost Avenue is scheduled for mid April 2004.
- B. That Council not proceed with the relocation of the crossing (only).
- C. That further consultation be undertaken with directly affected residents on the proposed roundabout and crossing relocation as shown on Sketch Plan No.Pentecost/KTC/04/04 (Sheet 1).

- D. That the proposed roundabout/crossing relocation and remaining interim measures be deferred for further consultation and outcome of funding of the proposed roundabout/crossing relocation under the 2004/2005 RTA Black Spot program.
- E. That the Roads and Traffic Authority be requested to investigate the installation of a 40km/h school zone at this location.
- F. That Mrs Margaret Wick, Principal of Pymble Public School, Mrs Maria Tankard, Vice President of the P & C Association of the School, Mrs Cathy Petherbridge of 162 Bannockburn Road and the residents previously consulted of the proposal be informed of Council's decision.

CARRIED UNANIMOUSLY

212 **Birdwood Avenue, Killara**

File: 88/05144/03

Ward: Gordon

Electorate: Davidson

Vide Minute No KTC9

To report on the recorded crash histories for the intersections of Birdwood Avenue/Eastern Arterial Road with Koola Avenue and Springdale Road

Resolved:

(Moved: Councillors Cross/Ebbeck)

That Council note that the collision histories (2002-June 2003 inclusive) at the intersections of Birdwood Avenue/Eastern Arterial Road with Koola Avenue and Springdale Road do not appear to be impacted adversely by the recent changes at the Birdwood Avenue/Eastern Arterial Road/Koola Avenue intersection.

CARRIED UNANIMOUSLY

213 **Bus Zone on Mona Vale Road, St Ives (near Rosedale Road)**

File: 88/05806/03

Vide General Discussion Point 2. (b)

Resolved:

(Moved: Councillors Hall/Bennett)

That Council write to the Minister for Roads and the Local Member to have the original bus stops on either side of Mona vale Road adjacent to Rosedale Road intersection reinstated as soon as possible.

CARRIED UNANIMOUSLY

214 **Median on Pacific Highway near Lucinda Avenue, Wahroonga**

File: 88/05905/03, 88/05725/03
Vide General Discussion Point 2. (c)

Resolved:

(Moved: Councillors Malicki/Cross)

That the proposed action be noted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

215 **56 Cowan Road, St Ives - Supplementary Report**

File: DA1488/03

To address matters raised at the site inspection of 24 April 2004 and for Council to determine a Development Application for the demolition of existing structures and construction of a SEPP 5 development.

Resolved:

(Moved: Councillors Hall/Bennett)

That Development Application No.1488/03 for the demolition of existing structures, the construction of a SEPP 5 development comprising six (6) dwellings and Strata Subdivision of Lots 1 and 3, DP's 664701 and 20586, 56 Cowan Road, St Ives, be granted Deferred Commencement Consent, subject to the following conditions:

SCHEDULE A

1. Further information in the form of an amended stormwater drainage design is to be submitted to Council and approved prior to the operation of the consent. The design and documentation are to demonstrate that:
 - an easement is available for runoff from Lot 1 to be conveyed to the public drainage system within the Pymble Golf Club; or

- by analysis of the Kanoona Street drainage system as far as Memorial Avenue, the proposed additional inflow from the subject property, including Lot 1, can be accommodated without exceeding the capacity of the system as required by Council's Stormwater Management Manual; or
- site discharge for storms up to 50 year ARI can be restricted to the permissible site discharge from the area which drains naturally to the Kanoona Street drainage system, by providing a larger detention storage volume, with overflows for storms up to 100 year ARI safely conveyed to the public drainage system as sheet flows as required by Council's Stormwater Management Manual.

The matters referred to in Schedule A must be completed to Council's satisfaction within two years from the date of this deferred commencement approval. The consent will not become operable until Council has confirmed in writing that the conditions in Schedule A have been satisfied and then comes operable subject to the conditions in Schedule B.

SCHEDULE B

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1488/03 and Development Application plans prepared by The Winter Group, Drawing Nos 20315/DA01, 20315/DA03, 20315/DA05, 20315/DA06 Revision A, 20315/DA02 Revision D and 20315/DA04 Revision C dated October 2003, March 2004, and lodged with Council on 17 November 2003 and 16 March 2004, as amended by conditions of this consent.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation,

including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. 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. 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.

17. The fence and footings shall be constructed entirely within the boundaries of the property.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
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. Fire hoses are to be maintained on site during the course of demolition.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;

- c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
36. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
37. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
38. The landscape ponds having a maximum water depth of 300mm for safety.
39. The garbage collection area shall allow a Council truck to enter the site, access the garbage collection area and leave the site in a forward direction.
40. The courtyard fences having a maximum height of 1.8 metres.
41. A 1.8m high screen being located adjacent to the pathway to preserve the privacy of the bedroom and study windows of units 1 and 2.
42. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system or to an interallotment drainage easement, depending on the results of amended design submitted to satisfy Schedule A of this consent.
43. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with the amended stormwater drainage design submitted to satisfy Schedule A of this consent. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

NOTE 2: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 3: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

44. For stormwater control all balconies are to be drained to the main drainage system via outlets fitted with raised leaf guards.
45. For stormwater control all paved areas are to be drained to the main drainage system.
46. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has 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 designed conditions.
47. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
48. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

49. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
50. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.

51. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
52. The entry driveway is to be widened to 5.5 metres for 6 metres from the frontage roadway, in accordance with the requirements of AS2890.1-1993.
53. Garages 3 and 4 are to be widened to 6.4 metres internal width to comply with SEPP 5 Clause 13A(6).
54. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
55. In order to allow unrestricted access by Council’s waste collection vehicles to the basement carpark area, no doors or gates are to be provided in the access driveway(s) to the basement carpark.
56. In order to provide for carwashing, a section of the basement carpark, which may include one of the visitor spaces, is to be designed as a carwashing bay. This bay is to provide a water tap and runoff collection which is to be directed to the sewer system. Suitable signposting advising of the carwashing bay, to encourage use by residents, is to be provided. Approval from Sydney Water to the proposed facility is to be obtained.
57. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council’s Tree Preservation Order.

58. Landscape works shall be carried out in accordance with Landscape Drawing No 03:10:02 prepared by Wallman Partners Pty Ltd and dated October 2003 submitted with the Development Application, except as amended by the following:

- Proposed *Cupressocyparis* 'Leighton Green' to be substituted with shrub species able to attain a maximum height of 3.5m eg *Viburnum odoritissimum*
- The Blue Gum proposed at the south-eastern corner of the site is to be relocated to the south-western corner of the site.

59. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
60. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.2m
<i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in front garden	7.0m
<i>Lophostemon confertus</i> (Brushbox) x 4 Adjacent to northern site boundary in neighbouring property	7.0m
<i>Nyssa sylvatica</i> (Sour Gum) Adjacent to eastern (front) site boundary	4.0m

61. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
62. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.2m
<i>Nyssa sylvatica</i> (Sour Gum) Adjacent to eastern (front) site boundary	4.0m

63. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
64. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
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. To preserve the ongoing health and vigour of the *Quercus robur* (English Oak) located adjacent to the southern site boundary in the neighbouring property, NO excavation is permitted within a 4.2m radius of the tree trunk base. Revised/amended plans are to be submitted to the principal certifying authority complying with this requirement for approval prior to the issue of the Construction Certificate.
67. To preserve the ongoing health and vigour of existing trees to be retained, the proposed drainage pipes are to be attached to the outside of the basement wall prior to backfilling. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority prior to the final Certificate of Compliance.
68. To preserve the ongoing health and vigour of existing trees to be retained, the proposed 'pump line from the basement' is to be located outside of the Critical Root Zone of ANY tree located on site to be retained. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority prior to the issue of the final Certificate of Compliance.

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

69. Approval is to be obtained from Council, as the consent authority, pursuant to Section 138 of the Roads Act 1993 for the location and design of a pedestrian refuge in Cowan Road outside the subject property or a neighbouring property to allow safe access to the St Ives Shopping Centre in accordance with Clause 12(1) of SEPP 5 and the SEPP 5 Guide.
70. 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.

71. 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).

72. 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.
73. 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.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIVE (5) ADDITIONAL DWELLINGS IS CURRENTLY \$60,591.50. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

75. The garbage storage area is to be designed in accordance with Council's Development Control Plan No 40 and have sufficient space for the quantity of waste generated and to promote source separation of materials (eg recyclables). Details being submitted and approved prior to the issue of a Construction Certificate.
76. Details of the large external columns being submitted and approved prior to the issue of a Construction Certificate.

77. Submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:

- SEPP 5 (as amended December 2000), and
- Australian Standard 2890.1 – 1993 “Off-street car parking”, and
- The 2.44 metre headroom requirement under DCP40 for waste collection trucks.

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

78. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
79. The provision of permanent stormwater pollution control measures. Such measures are to capture suspended solids and nutrient runoff from the whole as-constructed development and be readily maintainable. Details are to be provided for approval with the Construction Certificate.
80. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
81. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

82. Provision of on-site stormwater retention trenches and/or rainwater tanks which are to be designed to have a void-space and/or tank-space available volume which is sufficient to capture and retain the first 5mm of rainfall from the total subject property after which the trenches/tanks are to be designed to bypass and divert to the main drainage system. Appropriate sediment and litter arrestor pits/provisions are to be provided upstream from these trenches/tanks. Any rainwater tanks are to be located so that they may be readily used for landscaping watering purposes. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: Retention trenches may be achieved by the use of a separate low-level outlets from pits located on the main drainage system.

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

NOTE 3: Trenches shall be 700mm wide x 700mm deep and fitted with half round PVC (450mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

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

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

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

- NOTE 7: Maximum capacity of an individual rainwater tank to be 3000 litres.
- NOTE 8: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.
- NOTE 9: Rainwater tanks must not be located on the front facade of a dwelling.
- NOTE 10: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 11: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 12: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 13: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 14: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 15: Rainwater tanks to be fitted with measures to prevent mosquito breeding.
83. Provision of a basement stormwater pump-out system for the driveway ramp runoff. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
84. The Applicant must carry out the following infrastructure works in the Public Road:
- a. Construction of a pedestrian refuge facility fronting the subject site on Cowan Road, incorporating delineation, signage, line marking and pram ramps on both sides of Cowan Road. The works are to be in accordance with the current RTA Technical Direction for pedestrian refuges.

- b. Construction of footpath fronting the site to facilitate use by wheelchairs and provide access to the refuge.
- c. Works associated with conveying stormwater drainage from the site to the Kanoona Street drainage system, including provision of a kerb inlet pit in C

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 engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council “Roads Act” approval.

All works are to be designed in accordance with Council’s “Specification for Road and Drainage Works”. In addition, the drawings are to detail 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). Consideration must be given in the design to the impact that the refuge will have on the driveways of Nos. 25 and 56 Cowan Road (particularly swept paths).

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils 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. Failure to do so may delay the processing of the application.

- 85. Submission to Council prior to the issue of a Construction Certificate of a \$15,000.00 bond. This bond will cover the restoration by Council of any damage to Council’s infrastructure in the public road along the frontage or within close proximity to the subject development caused as a result of construction works

relating to the subject development. The bond will also cover any incomplete works,. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
86. Prior to the issue of the Construction Certificate, a suitably qualified and experienced geotechnical engineer is to investigate and certify that the proposed excavations required by the subject development will not affect the footings of structures on neighbouring properties by any means including consideration of zones of influence and watertable drawdown and that subsurface aquifers/groundwaters will not be redirected to cause nuisance to any neighbouring properties.
87. Due to the location of the development site on a main or arterial road or close to heavy pedestrian movements, the Applicant shall produce a Traffic Control Plan, in general 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), addressing all of the following matters:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak

periods where located near schools of full time where located near shopping centres.

RTA Concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan where located on an arterial road or where parking restrictions are proposed prior to submission with Council.

Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. 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. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

88. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

89. A CASH BOND/BANK GUARANTEE of \$18 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the

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

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

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

Tree/Location

<i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in front garden	(8,000.00)
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<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	(8,000.00)
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<i>Nyssa sylvatica</i> (Tupelo) Adjacent to eastern site boundary	(2,000.00)
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- 89a. In accordance with the supplementary plan dated 27 April 2004, the lift shaft wall of Building B shall be setback 2 metres from the eastern site boundary. The two metre set back shall be appropriately landscaped with *Acmena smithii* 'Minor' so as to screen the lift shaft wall. Revised plans being submitted to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

Tree/Location	Radius in Metres
<i>Nyssa sylvatica</i> (Tupelo) Adjacent to eastern site boundary	4.0m
<i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in front garden	4.0m
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.0m

91. 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.
92. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
93. 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.
94. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
95. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
96. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.

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

97. Prior to issue of the Subdivision Certificate, the submission of an original Plan of Subdivision plus five (5) copies, suitable for endorsement by the certifying authority.

Note: The following details must be submitted with the Plan of Subdivision:

- a. The 88B Instrument.
- b. The Engineer's Certification of the on-site Stormwater detention facility. This must be on the standard Council On-Site Detention certification sheet, available from Council's customer services.
- c. Any Surveyors or Engineers Certification required by other conditions in this consent.
- d. The Section 73 Compliance Certificate.

Note: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate.

98. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority empowered to release, vary or modify the same.
99. Prior to issue of the Subdivision Certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
100. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which is to be denoted common property, be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

101. Prior to issue of the Occupation Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicant's cost.
102. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention and stormwater pollution control facilities on the property. These must be created prior to issue of the Occupation Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

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

103. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be

provided to Council, attention Development Engineer, prior to issue of the Occupation Certificate.

104. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings must be undertaken prior to issue of the Occupation Certificate. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to issue of the Occupation Certificate.
105. Prior to issue of the Occupation Certificate, an easement for waste collection is to 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.
106. Submission of certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority, prior to issue of the Final Compliance Certificate, that:
 - The dimensions of all as-constructed private carparking spaces meet the dimension requirements of SEPP (as amended December 2000).
 - The as-constructed carpark complies with the approved Construction Certificate plans.
 - That the vehicular headroom requirements of SEPP 5 (as amended December 2000) for parking spaces and the headroom requirements of AS2890.1 and the headroom of 2.44m for waste collection trucks (DCP 40), if required, are met from the public street into and within the respective relevant areas of the basement carpark.
 - That the access driveway from the public street to the basement carpark has been constructed in accordance with the approved Construction Certificate plans and that the gradients of the driveway are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
107. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

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

108. Construction of the property stormwater drainage works, including retention and pollution control measures, is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Occupation Certificate, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Occupation Certificate.

109. The creation of a Restriction-on-Use under the Conveyancing Act, prior to the issue of an Occupation Certificate, restricting the occupation of the premises to:

- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).

- b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
110. The basement stormwater pump-out system is to be regularly inspected and maintained by suitably qualified personnel. Prior to the issue of an occupation certificate, the Applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let to this effect.

BUILDING CONDITIONS

111. 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.
112. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

113. 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.
114. 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).
115. 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.
116. 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 equaling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
117. 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.

118. Smoke control shall be provided as required by the Building Code of Australia, Part E 2.1. Details of the system are to be submitted for approval.
119. 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. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - f. A Compliance Certificate that the slow combustion or oil fired stove complies with Part G2.21 of the Building Code of Australia.
120. The development is to meet the requirements of Clause 13 A(2) to (20) inclusive, of State Environmental Planning Policy No 5. A Compliance Certificate is to be submitted from a suitably qualified person to the effect that the building complies with the relevant design standard.

CARRIED UNANIMOUSLY

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

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22 Surrey Road, Turrumurra - Demolition Of An Existing Dwelling And The Construction Of An Attached Dual Occupancy

File: DA 393/03

Ward: Wahrenonga
Applicant: Glendinning Minto & Associates
Owner: Mr R Marzbani

*A motion moved by Councillors Cross and Ebbeck
to hear all speakers was **CARRIED UNANIMOUSLY***

The following members of the public addressed Council:

H Yang
R Petherbridge
H Liang
I Glendinning

To demolish the existing dwelling and construct a two storey attached dual development.

Resolved:

(Moved: Councillors Ebbeck/Cross)

That Development Application 393/03 for the demolition of the existing dwelling and outbuilding on site and the construction of an attached dual occupancy on lot 31, DP 16889, being 22 Surrey Road, Turramurra, be approved for a period of 2 years, subject to the following conditions.

1. The development to be in accordance with Development Application No 393/03 and Development Application plans prepared by Hans Waldmann & Associates, reference number 775.03.1 & 2, dated 5 October 2003 and lodged with Council on 7 October 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

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

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
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. 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.

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

21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

22. 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.
23. 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.
24. 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.
25. 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.
26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
27. 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.

28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. 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.
31. 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.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
36. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

37. To provide protection from the sun, the west facing window of Bedroom No 2 in Dwelling No 1 and the eastern windows to the living room of Dwelling No 2 are to be provided with an appropriate shading device. Details of which are to be submitted to and approved by Council.
38. To provide external lighting and ventilation the kitchen in Dwelling 1 is to be reversed with the laundry/WC. ie. The kitchen is to be located to the southern side of the dwelling where the laundry/WC is indicated on Drawing 775.03.1. Details of which are to be submitted for approval.
39. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

40. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
41. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
42. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
43. Pruning to raise the canopy 2.3 metres above the driveway crossing to House 1 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

Pistacia chinensis (Pistacia)

Tree 02 / The Mall nature strip

44. The driveway crossing for House 1 shall be constructed at existing grades to avoid damage to the root system of *Pistacia chinensis* (Pistacia) - Tree 02.
45. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location

Pistacia chinensis (Pistacia)

Radius From Trunk

6 metres

Tree 02 / The Mall nature strip

46. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
47. Excavation for the installation of conduits/sewer/stormwater/gas within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Jacaranda mimosifolia</i> (Jacaranda)	6 metres
Tree 06 / Near the site's southeastern corner	

48. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Surrey Road. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

1 *Eucalyptus paniculata* (Grey Ironbark) and 1 *Syncarpia glomulifera* (Turpentine)

49. On completion of the landscape works including tree and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
50. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Anredera cordifolia (Madeira Vine)
Asparagus densiflorus (Asparagus Fern)
Asparagus plumosus (Climbing Asparagus)
Hedera helix (English Ivy)
Hedychium gardnerianum (Ginger lily)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Sida rhombifolia (Paddy's Lucern)
Tecomaria capensis (Cape Honeysuckle)

Tradescantia albiflora (Wandering Jew)

Wisteria sp. (Wisteria Vine)

51. 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.
52. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door to House 1 and connected to the stormwater drainage system.
53. For stormwater control a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway to House 2 and Council's footway to collect all surface water from the driveway.
54. The construction of kerb and gutter and road shoulder along the The Mall frontage of the subject property to the satisfaction of Council's Development Engineer.
55. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
56. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

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

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

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

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

57. The northern wall of House 2, including the roof form to the verandah, being set back in line with the northern wall of the living room to 'House 1'.

Revised plans are to be submitted and approved by Council or the Principal Certifying Authority.

58. The upper floor bathroom to House 2 shall be set back from the ground floor level by 500mm and the gable end roof form associated with the bathroom shall be modified to a simple hipped form consistent with the balance of the roof design.

59. The building shall be constructed in a dark face brick commensurate with existing development on the northern side of The Mall, in this regard a variegated colour scheme is to be used with darker materials used for the construction of the first floor level. Samples are to be submitted and approved by Council at the Principal Certifying Authority.

Revised plans are to be submitted and approved by Council or the Principal Certifying Authority.

60. The verandah at ground level to the family room for House 1 shall be deleted and the related roof form be converted to a simple skillion awning over the windows and glass doors, any hard paving associated with the glass door access to the rear yard shall be constrained to a permeable pathway.

61. The following modifications shall be carried out to fenestration.

- The southern ground floor window to the family room of 'House 1' shall be affixed with obscure glazing to a minimum height of 1500mm above finished floor level.

- The windows to the upper level bathrooms located on the southern first floor of House 1 and House 2 shall be constructed entirely of fixed obscure glazing.
 - The west-facing window to bedroom 2 in House 1 shall be deleted and a second north-facing window, of similar dimensions to the proposed northern window to bedroom 2 shall be introduced in a balanced and symmetrical manner.
 - The doorway on the southern elevation serving House 1 shall be deleted.
62. 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.
63. 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).
64. 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.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$12,459.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Turramurra/Warrawee	\$1,966.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

66. A revised plan that indicates the on-site location of waste management facilities for each dwelling is to be submitted and approved by Council.
67. The northeastern (front) and southeastern (side) walls of House 2 shall to include drop edge-beam construction to avoid fill within the front garden and the root zone of the *Jacaranda mimosifolia* (Jacaranda) – Tree 06, except for the driveway. Details for the drop edge-beam footings shall be submitted to Council and approved prior to release of the Construction Certificate.

68. Detention tank 1 shall be located behind the retaining wall and beneath the drying court and access adjacent to House 1 and detention tank 2 shall be located beneath the lawn along contour line 156. Amended plans showing their locations shall be submitted to Council and approved prior to release of the Construction Certificate.
69. 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.

70. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

The amended landscape plan shall include the following items:

- 4 canopy trees that will attain 13 metres height at the site.
 - A retaining wall that extends to 1.8 metres from the southern (side) boundary from the common dividing wall of the dual occupancy and returning west to the verandah to support the drying and pedestrian access.
 - To protect and enhance native vegetation to conserve and promote biodiversity 25% of the tree and shrub plantings, to be included in the landscape works, shall be derived from the Blue Gum High Forest assemblage of vascular plants as the site is located greater than 300 metres from bushland.
 - Confirm whether *Eucalyptus paniculata* (Grey Ironbark) or *Eucalyptus pilularis* (Blackbutt) is the species intended.
71. The property shall support a minimum number of 4 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
72. A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the

Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

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

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

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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

74. Prior to the issue of the Construction Certificate, longitudinal sections are to be provided along both sides of each proposed driveway from the centreline of the street to the proposed garage/carport, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with AS 2890.1-1993. If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application to Council's Technical Services Department.
75. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench for each dwelling designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings

are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

- NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.
- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.
- NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.
- NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.
- NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

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

- NOTE 1: The tank is to be located at or above existing natural ground level.
- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling.

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

76. To prevent surface stormwater from entering the buildings, the finished habitable ground floor level(s) of each building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
77. The Applicant must carry out the following infrastructure works in the Public Road:
- a. construction of kerb and gutter and road shoulder along the The Mall frontage of the subject property.

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 engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council "Roads Act" approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings are to detail 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).

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$10,000. The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council's requirements. Council may use part or all of the bond to complete the works to its satisfaction if the works do not meet Council's requirements. After Council's final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils 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. Failure to do so may delay the processing of the application.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

78. 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.
79. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
80. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

81. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
82. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Pistacia chinensis</i> (Pistacia)	6 metres
Trees 01 - 04 / Near the site's southeastern corner	

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

Tree/Location	Radius From Trunk
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Jacaranda mimosifolia (Jacaranda)
Tree 06 / Near the site's southeastern corner

6 metres

84. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
85. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

86. 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.
87. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
88. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

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

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

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

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

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

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

90. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
91. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
92. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the

road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.

93. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings and to the satisfaction of Council's Development Engineer prior to the issue of an Occupation Certificate or Subdivision Certificate. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works are also to be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to the issue of an Occupation Certificate or Subdivision Certificate.

BUILDING CONDITIONS

94. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
95. 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.
96. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a

Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

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

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

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

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

97. 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.
98. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.
99. 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.
100. 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.

101. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
102. 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.

103. 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

54 Cowan Road, St Ives - Supplementary Report

File: DA1154/02

R Dynon addressed Council

To address matters raised at the site inspection of 24 April 2004 and for Council to determine a Development Application for the construction of a SEPP 5 development incorporating the existing dwelling.

Resolved:

(Moved: Councillors Malicki/Innes)

That Development Application No.1154/02 for the retention, relocation and adaptation of the existing cottage and construction of a SEPP 5 development consisting of five (5) units (including the cottage) and basement carparking for Lot B in DP 375380, being 54 Cowan Road, St Ives be approved for a period of two (2) years, subject to the following conditions:

GENERAL CONDITIONS

1. Development being generally in accordance with plans numbered DA 01A-DA 09A, dated 13 October 2003, submitted by SDA International Pty Ltd. and the Landscape Plan 001700/TM prepared by Urban Landscape Planners (ULP), dated 09/10/03, as modified by any conditions of this consent/approval.
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
3. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
4. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
5. The works shall be erected in conformity with the approved plans and specifications and in accordance with the conditions of approval set out herein.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval

being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

8. Due to the close proximity to St Ives Shopping Centre and the likelihood of pedestrian traffic and reasonable volume of vehicular traffic using Cowan Road assistance shall be provided to heavy vehicles entering and leaving this development during construction and demolition. This assistance shall be in the form of an accredited traffic control person.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

14. With regard to the proposed rock breaking the following conditions are to be observed:
- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. 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.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

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

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

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

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

21. 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.
22. The fence and footings shall be constructed entirely within the boundaries of the property.
23. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.

24. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
25. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
26. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

NOTE: The 3 x *Cupressocyparis x leylandii* (Leyland Cypress) located close to the Northern boundary are within 3 metres of the proposed building and are intended to be retained because they provide instant screening. In the event that they are damaged or die due to building works they shall be replaced with super advanced plants of the same species which are at least 3 metres in height at the time of planting.

27. Canopy 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 1 – *Quercus robur* (English Oak)/ Northern boundary close to Unit 3

Note: Pruning of branches which are outside the approved building works will require separate written approval under the Tree Preservation Order.

28. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

Radius From Trunk

Tree 1 - *Quercus robur* (English Oak)

8.5 metres

Northern boundary

29. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the

Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

30. 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
Tree 1 - <i>Quercus robur</i> (English Oak)	8.5 metres
Northern boundary	

Tree 3 – <i>Liquidambar styraciflua</i> /(Liquidambar)	5.0 metres
Near front boundary	

31. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
Tree 1 - <i>Quercus robur</i> (English Oak)	8.5 metres
Northern boundary	

NOTE: Over excavation shall not exceed 0.5m beyond the line of the basement walls.

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

33. Landscape works shall be carried out in accordance with Landscape Drawing No 001700/TM prepared by Urban Landscape Planners and dated 9/10/03 submitted with the Development Application, except as amended by the following:

- A note shall be affixed to the plan adjacent to the three trees designated as “16” which indicates that should these trees be damaged beyond repair or die during construction they are to be replaced with three 100 litre size *Cupressocyparis x leylandii* (Leyland Cypress).

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

Tree/Location	Radius From Trunk
Tree 1 - <i>Quercus robur</i> (English Oak)	8.5 metres
Northern Boundary	

35. A planter box is to be provided along the entire western side of the balcony of Unit 4. Such a planter box shall be a minimum of 1.0 metres high above the

finished floor level and have an internal planter width of 750mm. This condition has been imposed to protect the visual privacy of the residents of No. 56 Cowan Road.

36. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the stormwater drainage system.
37. For stormwater control all paved areas are to be drained to the main drainage system.
38. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the street drainage system via the site detention/ re use system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be via a suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
39. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual and generally in accordance with the Stormwater Concept Plans by Henry & Hymas, drawing 02093 SWC-01, Revision C, dated September 2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

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

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

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

40. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
41. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
42. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
43. The excavation and development works must be undertaken in accordance with the recommendations of the Geotechnical report to be prepared under the conditions of this consent.
44. Provision of suitable oil separator units in the drainage systems of basement carparking areas, which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
45. To prevent surface stormwater from entering the building, the finished habitable ground floor level (s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
46. The proposed driveway exit to Cowan Road is to meet the pedestrian sight distance requirements of Section 3.2.4 of AS2890.1.
47. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has 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 designed conditions.

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

48. A measured drawing of the existing house shall be prepared along with details of the proposed changes. The maximum amount of existing fabric shall be retained.
49. Asbestos diamond patten slates shall be replaced with modern equivalent material (grey Eternit slates). Existing terra cotta cappings shall be carefully salvaged and reinstated on the roof.
50. A simple archival record shall be made of the building before the commencement of the work. The record shall be in accordance with the Heritage Office guidelines for photographic recording and shall consist of key drawings, black and white photographs of the exterior and significant interiors with some colour slides of general views.
51. A north facing window shall be inserted in the family room of unit 3 and landscaping outside this window amended to suit. The pergola of unit 5 shall be detailed to admit winter sun to the living room while controlling summer sun. External sun shading shall be provided to west-facing ground floor windows of units 2 & 3.
- 51a. The kitchen windows of Units 2 and 4 being of a high-lite design or contain opaque glazing for privacy.
52. To enable compliance with the requirements of Clause 25(e) of SEPP 5 the main entrance to each unit shall be provided with a glazed panel 200mm in width for either the entire height of the door or alternatively from a height of 1.0metre from the finished floor level to at least 1.8 metres above the finished floor level. Additionally each main entrance shall be provided with an eye 'peep hole' to enable residents to view persons at the front door without the need to open the front door. Details of such shall be provided in the Construction Certificate Plans.
53. To enable compliance with the requirements of Clause 25(g) of SEPP 5 the garbage storage area is to be located adjacent to the pedestrian entry to the site, on the northern side of the pathway and set back 5 metres from the street frontage. Details of the garbage store, including appropriate landscape screening, are to be provided with the application for the Construction Certificate. Additional landscape provision should be included for the original nominated location for the garbage storage area on the southern boundary.
54. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.

55. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
56. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
57. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee of \$15.00 for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
58. 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 FOUR (4) ADDITIONAL DWELLINGS IS CURRENTLY \$48,473.20. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New Library bookstock	\$17.95
4.	New Public Art	\$2.93
5.	Acquisition of Open Space - St Ives	\$7,851.00
6.	Koola Park upgrade and reconfiguration	\$143.09
7.	North Turramurra Sportsfield development	\$986.80
8.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9.	Section 94 Officer for period of Plan 2000-2003	\$118.42
10.	Preparation of New SEPP 5 Residents Kit	\$22.44
11.	SEPP 5 S94 Study and Interim Plan, 2000-2003	\$108.95

59. For stormwater retention, provision of a rainwater reuse tank/ structure within the subject property designed to capture and retain runoff until the design volume is achieved and the runoff bypasses the tank and reverts to the main drainage system. Design to be generally in accordance with the Stormwater Concept Plan and calculations prepared by Henry & Hymas, drawing 02093 SWC-01, revision C, dated September 2003. Full construction drawings and calculations shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate. The design is to incorporate the following requirements:
- a. The design is to note compliance with the BCA and AS 3500.3.2:1998
 - b. The stormwater retention tank is to be readily accessible for maintenance and cleaning purposes.
 - c. All recycled stormwater outlet points are to have permanently affixed plaques in readily observable locations which read "Recycled Stormwater – Not for Drinking" or equivalent.
 - d. The provision of water mains backup system in the holding tank.

- e. Evidence of Sydney Water approval to the proposed system and mains backflow prevention.
 - f. All toilet flushing and garden tap water usage is to be sourced from the stormwater retention tank.
 - g. The provision of filtration devices to ensure no blockage of delivery plumbing systems.
 - h. An overflow system from the stormwater retention holding tank.
 - i. Compliance with the “Interim Guidelines for the installation of Rainwater Tank Systems in Urban Areas where a reticulated Potable Water Supply is Installed” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW dated 11 June 2002.
60. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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

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

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

61. The Applicant must carry out the following infrastructure works in Cowan Road to ensure an accessible route to transport and services, which is required under the SEPP 5 provisions:
- a. Construction of a pedestrian refuge facility fronting the subject site on Cowan Road, incorporating delineation, signage, linemarking and pram ramps on both sides of Cowan Road. The design must maintain vehicular access to existing driveway crossings on Cowan Road in the vicinity.
 - b. Construction of footpath fronting the site to facilitate use by wheelchairs and provide access to the refuge.

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 engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council “Roads Act” approval.

All works are to be designed in accordance with the RTA Technical Direction for pedestrian refuges. It is advised that the Applicant liaise with Council Traffic and Design Engineers when preparing the design. In addition, the drawings are to detail 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). When designing, consideration must be given to the impact that the refuge will have on the driveways of No. 25 and 56 Cowan Road (particularly swept paths).

NOTE 1: The pedestrian refuge and associated signage shall be referred to the Local Traffic Committee (LTC) for approval.

NOTE 2: A minimum of three (3) weeks will be required for assessment. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate.

NOTE 3: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 4: Plans and specifications must be marked to the attention of Councils 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. Failure to do so may delay the processing of the application.

62. Full construction drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
63. Provision of a basement stormwater pump-out system for the driveway ramp runoff. The system is to comprise both duty and back-up pumps and be

designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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

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

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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

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

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

66. Provision to Council, **prior** to the issue of a Construction Certificate, of a \$15,000.00 (fifteen thousand dollars) bond. This is to cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage or within close proximity to the subject development caused as a result of construction works relating to the subject development. The bond may also be used to complete outstanding works required under their consent, including works approved under the Roads Act 1993. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
67. Submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:
- SEPP 5 (as amended December 2000), including space dimensions of 3.2m x 6m and height clearance of 2.5metres, and
 - Australian Standard 2890.1 – 1993 “Off-street car parking”

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

68. 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.

NOTE: No pedestrian access is permitted between the northern boundary and the northern wall of Units 3/5 during construction to reduce the damage to the English Oak and three existing Leyland Cypress during construction.

69. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

70. A CASH BOND/BANK GUARANTEE of \$5,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Tree 1 – *Quercus robur* (English Oak)/ Northern boundary

71. The applicant shall ensure that no underground services (i.e. 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.
72. To preserve the following tree/s, footings of the proposed northern and eastern wall of Unit 3 and the walls of the detention basin shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
Tree 1 - <i>Quercus robur</i> (English Oak) Northern boundary	7.5 metres
Tree 3 – <i>Liquidambar styraciflua</i> (Liquidambar)	5.0 metres

73. The stormwater plans shall be amended to show that any excavation beneath the canopy of the *Liquidambar styraciflua* (Liquidambar) for drainage pipes shall be hand dug and no excavation is permitted within a 4 metres radius of its trunk. The amended plans shall be submitted with the application for the Construction Certificate.
- 73a. In relation to the relocation of the heritage item and the replacement of the existing asbestos roof tiles:
- (i) A Workplan shall be submitted to Council or the Accredited Certifier prior to the issue of the Construction Certificate in accordance with AS2601 – Demolition of Buildings. This report shall contain details regarding:
 - (a) the type of hazardous material;
 - (b) proposed methods of containment; and
 - (c) proposed methods of disposal.
 - (ii) any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the Workcover Authority in relation to removal, handling and disposal of material and the Work Safe Australia Asbestos Code of Practice.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

74. 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.
75. A Geotechnical Report with supporting information (including borehole investigations of founding material) must be prepared and submitted to the Principal Certifying Authority (PCA) for approval, prior to issue of a Construction Certificate and prior to commencement of any excavation on the site. The report must include geotechnical investigations to determine the design parameters appropriate to the specific development and site. This would typically include:
- Location of nearby foundations/ footings (site and neighbouring)
 - Proposed method of excavation
 - Permanent and temporary support measures for excavation
 - Potential settlements affecting footings/ foundations
 - Ground water levels (if any)
 - Proposed batter slopes

- Potential vibration caused by method of excavation
- De-watering including seepage and off site disposal rate where required.

The report must also include professional recommendations on appropriate construction techniques to ameliorate any potential adverse impacts. The report is to be prepared by a suitably qualified and practising Geotechnical Engineer with previous experience in such investigations and construction techniques. All works must proceed in accordance with the recommendations of the geotechnical report to be prepared.

76. A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at the following locations:

- 52 Cowan Road, St Ives

The Report must be completed and submitted to Council prior to the commencement of any demolition, excavation or construction works. A second 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, prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate.

77. 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 of \$15.00 for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

78. To preserve the following trees, no work shall commence until the area beneath the canopy of the following tree excluding that area of proposed Unit 3 & 5 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 shall be maintained intact until the completion of all demolition/building work on site.

NOTE: Where the building intrudes into the exclusion zone, the fence must be erected no more than 0.5 metres outside the line of the building.

Tree/Location	Location of Fence
Tree 1 – <i>Quercus robur</i> (English Oak)	8.5 metres
Northern boundary	

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

Tree/Location	Radius in Metres
<i>Liquidambar styraciflua</i> (Liquidambar)	4.0 metres
Eastern boundary	

80. 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.

NOTE: It may be necessary for the fence to be lower than this because of the location of the canopy of the trees. The tree limbs are not to be trimmed to accommodate the fence.

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

82. To ensure the relocation of the existing cottage is carried out with due care and no irreversible damage is incurred; a CASH BOND/BANK GUARANTEE of \$100,000 shall be lodged with Council prior to any works commencing on the site and prior to the release of the Construction Certificate.

The bond will be refunded upon final issue of Compliance where the development, as approved is satisfactorily completed including the relocation and alterations to the exiting cottage.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the development period. Where 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.

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

83. A contractor with specialist excavation experience must undertake the excavations for the proposal. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and prior to issue of the Final Compliance Certificate, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

- a. According the relevant Australian Standards and guidelines, and
 - b. According to the recommendations of the geotechnical report prepared prior to the commencement of works
 - c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
84. Prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate, a convex mirror must be installed in a suitable location at the base of the ramped driveway. The mirror is to ensure that egressing vehicles are aware of approaching ingressing vehicles on the driveway ramp, and vice versa.
85. Submission of certification to the Principal Certifying Authority from a suitably qualified and experienced civil/traffic engineer that:
- a. The dimensions of all as-constructed private carparking spaces meet the requirements of SEPP 5 (as amended December 2000).
 - b. The as-constructed driveway dimensions accord with the plans approved with the Development Consent/Construction Certificate.
 - c. A convex mirror system is installed which ensures egressing vehicles are aware of approaching ingressing vehicles on the driveway ramp.
 - d. The vehicular headroom requirements of SEPP 5 (as amended December 2000) for parking spaces are met. This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark areas, including stormwater lines.
 - e. All driveway access grades including transitions meet the requirements of AS2890.1.
 - f. The proposed driveway exit to Cowan Road meets the pedestrian sight distance requirements of Section 3.2.4 of AS2890.1.

The certification must be submitted prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.

86. The creation of a Restriction-on-Use under the Conveyancing Act, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - d. Staff employed to assist in the administration of and provision of services to housing provided in this development.
87. Construction of the infrastructure works in the public road (pedestrian refuge and associated works) must be undertaken prior to occupation, issue of the Occupation and/ or Subdivision Certificate, and in accordance with the Council approved drawings. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the

works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to occupation, issue of the Occupation Certificate and/or Subdivision Certificate.

88. Construction of the property stormwater drainage works, including retention measures, is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

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

The Certificate is to be with respect to compliance with:

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

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

- invert levels

- surface or pavement levels
 - floor levels including adjacent property floor levels
 - maximum water surface level to be achieved in the storage zone
 - dimensions of basin(s), tank(s), pit(s), etc.
 - location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
 - storage volume(s) provided and supporting calculations
 - size of orifice(s)
90. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available to include items above) and to the satisfaction of Council.

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

91. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works (at 52 Cowan Road, St Ives,) must be undertaken at the completion of the works and be submitted to Council, prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate.
92. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, issue of the Occupation Certificate and/or Subdivision Certificate.
93. Prior to occupation, issue of the Occupation Certificate and/or Subdivision Certificate, all redundant driveway crossings and/or kerb laybacks are to be reinstated as verge and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve which has been damaged as a result of construction works on the subject site must be repaired to the satisfaction of Council's Development Engineer.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

94. The landscape works shall be completed prior to occupation of the units and shall be maintained in a satisfactory condition at all times.

95. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.
96. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP 5. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
97. To ensure compliance with the requirements of SEPP 5 13(6) and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres
98. To ensure compliance with the requirements of SEPP 5 every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
99. To ensure compliance with the requirements of SEPP 5, clause 13A(9) each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
100. To ensure compliance with SEPP 5, clause 13A (10) the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
101. To ensure compliance with the requirements of Clause 13A(11) of SEPP 5 the kitchen shall meet the following requirements:
 - a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
 - b. a width at door approaches of at least 1 200 millimetres, and
 - c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and
 - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
 - d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
 - e. a thermostatic mixing valve for the hot water outlet, and
 - f. cook tops:

- i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and
 - iii. that include an isolating switch, and
- g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
- h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
- i. ``D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- j. general power outlets:

at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate

102. To ensure compliance with Clause 13A(12) of SEPP 5 the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate
103. To ensure compliance with the requirements of Clause 13A (13) the bathrooms must comply with the following:
 - a. an area that complies with AS 1428, and
 - b. a slip-resistant floor surface, and
 - c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and

- ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
 - d. thermostatic mixing valves for all hot water outlets, and
 - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
 - f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - g. a mirror, and
 - h. a double general power outlet beside the mirror.
104. To ensure compliance with Clause 13A (16) the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
105. To ensure compliance with Clause 13A (17) a self-contained dwelling must be provided with a lined cupboard that is:
- a) able to be operated with one hand, and
 - b) located between 900mm and 1100mm above floor level.
106. To ensure compliance with Clause 13A(18) door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.
107. To ensure compliance with Clause 13A (19) and (2) all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
108. To ensure accessibility to from the living/dining rooms to the private open space the variation between the FFL of the rooms and the courtyard will be provided with a small threshold ramp in accordance with AS1428.1.
109. To ensure compliance with Clause 13A (20) switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
110. To ensure compliance with Clause 13A(2)(d), 10% of the dwellings within the proposed development shall be capable of being modified so that they have wheelchair access by a continuous path of travel (within the meaning of AS1428) to all essential areas and facilities inside the dwelling. Documentary evidence shall be submitted prior to the release of an Occupation Certificate indicating compliance with this condition prior to the release of an Occupation Certificate.
111. 1.8m lapped and capped timber courtyard fences are to be provided as required in Development Control Code 1/2003 – Housing for Older People or People with a disability.

112. To ensure further compliance with Development Control Code 1/2003 – Housing for Older People or People with a disability, the applicant must provide lockable letterboxes adjacent to the main pedestrian entry.
113. Certification prepared by a Registered Surveyor confirming the development consists of a maximum of floor space ratio of 0.5:1 in accordance with the definition with State Environmental Planning Policy No 5 shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.
114. 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.

Requirements to obtain a certificate from Sydney Water (Section 73 Subdivider/developer compliance certificate)

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

Against the Resolution: Councillor Bennett

The above Resolution was CARRIED as an Amendment to the Original Motion and the LOST Amendment.

The Original Motion was:

(Moved: Councillors Hall/Lane)

That the officer's recommendation be adopted with the following amendment:

82. *To ensure the relocation of the existing cottage is carried out with due care and no irreversible damage is incurred; a CASH BOND/BANK GUARANTEE of \$50,000 shall be lodged with Council prior to any works commencing on the site and prior to the release of the Construction Certificate.*

The bond will be refunded upon final issue of Compliance where the development, as approved is satisfactorily completed including the relocation and alterations to the exiting cottage.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the development period. Where 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.

The Lost Amendment was:

(Moved: Councillors Malicki/Andrew)

That the officer's recommendation be adopted with the following amendment:

82. *To ensure the relocation of the existing cottage is carried out with due care and no irreversible damage is incurred; a CASH BOND/BANK GUARANTEE of \$150,000 shall be lodged with Council prior to any works commencing on the site and prior to the release of the Construction Certificate.*

The bond will be refunded upon final issue of Compliance where the development, as approved is satisfactorily completed including the relocation and alterations to the exiting cottage.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the development period. Where 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.

218 **Analysis Of Land & Environment Court Costs 3rd Quarter 2003/2004**

File: S02466

I Glendinning addressed Council

To report on Council's financial liability on legal matters before the Land & Environment Court for the first three quarters of the 2003/2004 financial year.

Resolved:

(Moved: Councillors Cross/Innes)

That the analysis of Land & Environment Court Costs for the first three quarters of the financial year 2003/2004 be received and noted.

CARRIED UNANIMOUSLY

219 **Representation On Northern Sydney Regional Organisation Of Councils (NSROC)**

File: S02342

For Council to make appointments for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

Councillor Malicki withdrew during discussion

Resolved:

(Moved: Councillors Ebbeck/Lane)

- A. That Council appoint the Mayor, Councillor Ryan and Councillor Cross as representatives to the Northern Sydney Regional Organisation of Councils (NSROC) for the forthcoming 6 months.

CARRIED UNANIMOUSLY

(Moved: Councillors Lane/Ebbeck)

- B. That Council appoint Councillor Hall as the alternative representative to NSROC for the forthcoming 6 months.

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

Against the Resolution: Councillor Bennett

(Moved: Councillors Ebbeck/Lane)

- C. That the Northern Sydney Regional Organisation of Councils (NSROC) be informed of Council's representatives.

CARRIED UNANIMOUSLY

Councillor Malicki returned

220 **Investment Cash Flow & Loan Liability As At 31 March 2004**

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for March 2004.

Resolved:

(Moved: Councillors Hall/Innes)

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

CARRIED UNANIMOUSLY

221

Re-Valuation Of Council's Infrastructure And Open Space Assets

File: S02135

To present to Council the outcome of the re-valuation of Council's Infrastructure and Open Space Assets.

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That Council receive and note the contents of this report.
- B. That the information is used by Council as a contributory information for future budget deliberations.

CARRIED UNANIMOUSLY

The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion and the LOST Amendment.

The Original Motion was:

(Moved: Councillors Lane/Ebbeck)

- A. *That Council receive and note the contents of this report.*
- B. *That the information is used by Council as a basis for future budget deliberations.*

The Lost Amendment was:

(Moved: Councillors Bennett/Malicki)

That Council receive and note the contents of this report.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

222

Methods Of Electing The Mayor

File: S03352

Notice of Motion from Councillor M Lane dated 28 April 2004.

I move:

That the General Manager bring back a report to Council within 6 months on the methods of electing the Mayor and the possible effects on the operation of Council with a view to Councillors being fully informed of these in order that they may ensure that the people of Ku-ring-gai are fully aware of both the advantages and disadvantages should a referendum be held on this matter.

Resolved:

(Moved: Councillors Lane/Innes)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Malicki/Andrew)

That a referendum question be prepared to put to the people of Ku-ring-gai at the 2008 elections, or at some time earlier if opportune, as to whether they wish to popularly elect the Mayor of the Ku-ring-gai in future.

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

223 **Meeting With Minister**

File: S02036

Councillor Malicki proposed the following Business Without Notice, however when put to the vote, the motion to deal with the matter was LOST.

For the Motion: Councillors Andrew, Bennett and Malicki

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

The proposed motion was:

I move:

That given the opportune situation that the Minister has cancelled the meeting with Cr Ryan, I move that there be no meeting with the Minister until Councillors have been briefed on LEP 194 and the matter has been discussed by Council. This will ensure

that all Councillors are able to participate in the decision-making on this matter and all Councillors will be able to represent the views of the residents in the discussion.

QUESTIONS WITHOUT NOTICE

224 Access to Railway Stations

File: S02261

Question Without Notice from Councillor T Hall

I ask the Mayor will you put in motion promptly, the Council's recent resolution to establish a working party including State Rail to consider lifts in Ku-ring-gai Railway Stations, please and keep Council informed of progress?

Answer by the Mayor

So noted.

225 Appointment of Legal Firms to Council & their Performance

File: S03383

Question Without Notice from Councillor I Cross

Could the General Manager review the Council's resolution regarding the appointment of legal firms and the assessment of their performance as raised by Councillor Bennett in a previous debate and bring back a report to Council?

Answer by the Mayor

The General Manager will report back.

226 Appointment of Legal Firms to Council, their Performance & Basis of Payment

File: S03383

Question Without Notice from Councillor G Innes

I wonder whether that report requested earlier by Councillor Cross might include the basis on which legal firms are paid. That is whether they are paid on a win or a lose basis or whether their paid based on the amount of the time of procedures? I think that will be very helpful.

Answer by the Mayor

So noted, Councillor Innes.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 8 May and commence at 9.00am.

The Meeting closed at 9.46pm

The Minutes of the Ordinary Meeting of Council held on 4 May 2004 (Pages 1 - 87) were confirmed as a full and accurate record of proceedings on 11 May 2004.

General Manager

Mayor / Chairperson