

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 6 DECEMBER 2005

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

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Senior Urban Designer (Bill Royal)  
Strategic Planner (Craig Wyse)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Admin Assistant (Keri Blackman)

Also Present: Peter Smith, Urban Design Consultant - Turramurra

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### 513 APOLOGIES

File: S02194

Councillor M Shelley tendered an apology for late arrival.

#### **Resolved:**

(Moved: Councillors Ebbeck/Lane)

That the apology by Councillor M Shelley for late arrival.

**CARRIED UNANIMOUSLY**

### **DECLARATION OF PECUNIARY INTEREST**

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

Councillor Lane declared a conflict of interest in item GB.2 – 657 to 661 Pacific Highway, Killara and GB.13 - Greengate Precinct - Traffic Assessment (Greengate Hotel contributed to election expenses).

Councillor Ryan declared a conflict of interest in item GB.2 – 657 to 661 Pacific Highway, Killara and GB.13 - Greengate Precinct - Traffic Assessment (Greengate Hotel contributed to election expenses).

**Councillor Shelley arrived**

## **ADDRESS THE COUNCIL**

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

D McIntosh  
C De Naro  
G Swalwell

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

- Refer GB.1: 1533 Pacific Highway & 2A Woodville Avenue, Wahroonga - Memorandum by Director Development & Regulation dated 5 December 2005 re omission of Conditions numbered 65 to 70, amendment to Conditions numbered 65 to 66.
- Refer GB.1: 1533 Pacific Highway & 2A Woodville Avenue, Wahroonga - Memorandum by Director Development & Regulation dated 30 November 2005 re Landscape & Elevation Plans to be included in attachments.
- Refer GB.2: 657 to 661 Pacific Highway, Killara - Memorandum by Director Development & Regulation dated 1 December 2005 re inclusion of Zone Interface in table under Ku-ring-gai Planning Scheme Ordinance LEP194 & LEP202 in report.
- Refer GB.14: Turramurra Town Centre Preferred Land Use Options - Memorandum by Director Open Space dated 6 December 2005 re minor alterations to Part D, Land Description.
- Late Item: Refer to GB.14 - Turramurra Town Centre Preferred Land Use Options - Report by Directors Open Space & Planning & Technical Services dated 24 November 2005

Councillors

Information: Release of 2002 Council Reports & Plans, marked Confidential in the Public Interest - Memorandum by Corporate Lawyer dated 1 December 2005 in answer to a Notice of Motion by Councillor Hall on 22 November 2005

## **CONFIRMATION OF MINUTES**

### 514 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 22 November 2005

Minutes numbered 480 to 512

#### **Resolved:**

(Moved: Councillors Ryan/Innes)

That Minutes numbered 480 to 512 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

### 515 **Strong Support for Change in the Turramurra Town Centre - (One Hundred & Eighty-Two [182] Signatures)**

File: S04038

#### **Petition presented by Councillor N Ebbeck on 6 December 2005**

"The undersigned signatures express strong support for change in the Turramurra Town Centre. For too long we have had inadequate parking, gridlocked streets and poor facilities. Please provide residents of Turramurra and surrounding areas with better infrastructure and new facilities. Please also consider the desperate need to revitalize the centre for the retail traders and professionals. The community of Ku-ring-gai needs an Indoor Leisure Centre, and we strongly support it being built consistent with professional advice as part of the proposed Turramurra Town Centre."

#### **Resolved:**

(Moved: Councillors Ebbeck/Cross)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

- 516     **25A, 27 & 29 Lorne Avenue, Killara - Demolition of Existing Dwellings & Construction of Two Residential Flat Buildings Comprising 40 Units, Basement Car Parking, Landscaping & Strata Subdivision**

.  
File: DA0425/05

Ward: Gordon

Applicant: Paul Barber c/- Greencliff (CPL) Developments Pty Ltd

Owner: R S Curtis, J Koo, S M McAdam

To determine Development Application No.425/05 which seeks consent for the demolition of existing structures, the construction of two residential flat buildings comprising 40 dwellings, basement car parking and associated landscaping.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That consideration of Development Application No DA0425/05 at 25A, 27 & 29 Lorne Avenue, Killara be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

- 517     **1533 Pacific Highway & 2A Woodville Avenue, Wahroonga - Demolition of Existing Structures and Construction of a Residential Flat Building, Containing 17 Apartments, Basement Parking & Strata Subdivision**

.  
File: DA 676/05

Ward: Wahroonga

Applicant: Mr John Briggs, Advocate Developments

Owner: Andrew Wilson, Siang Foo

To determine development Application No 676/05 which seeks consent for the demolition of existing dwellings and the construction of a residential flat building containing 17 apartments, basement car parking, landscaping and strata subdivision.

**Resolved:**

(Moved: Councillors Cross/Ebbeck)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No 1 - Development Standards* to the Zone Interface standard (cl. 25L) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the SEPP 1 Objection has demonstrated that the underlying objective or purpose of the standard has been satisfied.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No 1 is well founded and also being of the opinion that the granting of consent to DA 676/05 is consistent with the aims of the Policy, grant development consent to DA 676/05 for the demolition of existing structures and construction of a residential flat building containing 17 units, basement car parking and strata subdivision on land at 2A Woodville Avenue and 1533 Pacific Highway, Wahroonga for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans numbered DA01-DA10, dated 23 June 2005, drawn by Wolski, Lycenko and Brecknock Architects and Landscape Plan LA01 – LA04 dated 26 June 2005, drawn by Taylor Brammer Landscape Architects Pty Ltd, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
4. 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.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval

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

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

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

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

13. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
15. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
16. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
17. 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.
18. 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.

19. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
20. 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.
21. 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.
22. 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.
23. 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.
24. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
25. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
26. The fence and footings shall be constructed entirely within the boundaries of the property.
27. Fire hoses are to be maintained on site during the course of demolition.
28. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.



29. 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.
30. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
31. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. The connection may be downstream of the vehicular crossing to the neighbouring property, but is either to be installed by boring or the entire crossing is to be reconstructed to Council's Specification at the existing levels.
32. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
33. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
34. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
35. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

36. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
37. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
38. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
39. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
40. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
41. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken**

**promptly to rectify the defects, Council may undertake proceedings to stop work.**

42. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
43. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
44. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
45. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
46. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
  - \* Appropriate excavation methods and techniques,
  - \* Vibration management and monitoring,
  - \* Support and retention of excavated faces,
  - \* Hydrogeological considerations,
  - \* Must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

#### PRIOR TO COMMENCEMENT OF WORKS

47. Additional geotechnical work is to be carried out as recommended in the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- \* Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - \* Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - \* Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
48. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- \* RTA concurrence to the proposed temporary rock anchors
  - \* How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - \* That the locations of the rock anchors are registered with Dial Before You Dig
  - \* That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - \* That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - \* That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.
  - \* Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.
  - \* All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.
49. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

50. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the residence, garage and brick retaining wall at 4-6 Woodville Avenue, and the residence at 1537 Pacific Highway. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council.
51. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
1. **A plan view of the entire site and frontage roadways indicating:**
    - \* Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
    - \* Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
    - \* The locations of proposed Work Zones in the frontage roadways,
    - \* Location of any proposed crane standing areas
    - \* A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
    - \* Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
    - \* The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  2. **Traffic Control Plan(s) for the site.**
    - \* All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
    - \* Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
    - \* **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**
    - \* Light traffic roads and those subject to a load or height limit must be avoided at all times.
    - \* A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- \* Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- \* Minimising construction related traffic movements during school peak periods.
- \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

**For traffic and pedestrian amenity purposes, no truck movements shall occur in Woodville Avenue during school drop-off (8.00 am to 9.30 am) and school collection hours (2.30 pm to 4.00 pm).**

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

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

53. Prior to the commencement of any works on site the applicant shall submit to **Council** a full dilapidation report on the visible (**including photos**) and structural condition of the following public infrastructure:
- \* Full road pavement width of Woodville Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
  - \* All driveway crossings and laybacks in Woodville Avenue opposite the subject site.
  - \* The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

54. 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.
55. To maintain and maximise neighbour amenity, tree #23 *Ulmus parvifolia* (Chinese Weeping Elm) is to be retained. Existing levels beneath the canopy drip line outside of the proposed building footprint are to be retained.
56. Demolition work within 6.0m of any tree to be retained is to be undertaken manually using hand tools. Where a driveway is to be demolished being of concrete strip or slab type construction, it is to be undertaken by working from the end of the driveway closest to the building back towards the street by utilising the driveway as a stable platform to prevent soil compaction. Where a concrete slab driveway passes less than 1.0m from the base of a tree and the area beneath the driveway is to be undisturbed and incorporated into the landscape works for the site, the volume of the space previously occupied by the driveway must be replaced with local top soil from the site or otherwise a loamy sand, to replace the mass of the concrete on the root plate which may be critical to the ballast and centre of mass for the stability of the tree.
57. Landscape works shall be carried out in accordance with Landscape Drawing No LA01 Rev A, LA02 Rev A, LA03 Rev A prepared by Taylor Brammer and dated 27/06/2005 submitted with the Development Application, except as amended by the following:
- \* In addition to the proposed screen planting an additional four trees capable of growing 13.0m in height are to be planted within the setbacks from the northern and western boundary setbacks. The additional trees are to be spaced so that they do not encroach on each others canopy at maturity eg 8-10m spacing.

- \* The proposed pedestrian access path from the southern site boundary to Woodville Ave is to be deleted and the area maintained as soft landscape.
- \* Tree #29 Castanospermum australe (Blackbean) is to be removed and replaced with an Angophora floribunda (Rough barked apple).
- \* Tree #23 Ulmus parvifolia (Chinese Elm) is to be retained to maintain neighbour amenity
- \* Tree #22a Archontophoenix cunninghamiana x 3, is to be retained in situ. If this is not possible the palms are to be transplanted and relocated within the immediate vicinity to maintain neighbour amenity.

58. Canopy and/or root pruning of the following tree/s which may be 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

#5 Platanus x hybrida (London Plane Tree)  
Woodville Ave nature strip

#6 Lophostemon confertus (Brushbox)  
Adjacent to southern site boundary in Woodville Ave site frontage

#14 Corymbia ficifolia (Red flowering gum)  
Adjacent to western site boundary

#23 Ulmus parvifolia (Chinese Elm)  
Adjacent to north west site boundary

59. 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 principal certifying authority shall be required at three monthly/quarterly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
60. 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
#5 Platanus x hybrida (London Plane Tree) Woodville Ave nature strip	6.0m
#6 Lophostemon confertus (Brushbox) Adjacent to southern site boundary in Woodville Ave site frontage	4.0m



61. 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
#5 Platanus x hybrida (London Plane Tree) Woodville Ave nature strip	8.0m
#6 Lophostemon confertus (Brushbox) Adjacent to southern site boundary in Woodville Ave site frontage	6.0m
#14 Corymbia ficifolia (Red flowering gum) Adjacent to western site boundary	3.5m

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

Species/Location

#22a Archontophoenix cunninghamiana (Bangalow Palm) x 3  
Within immediate vicinity to maintain neighbour amenity

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

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

65. 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.
66. 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.
67. It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to

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

68. A CASH BOND/BANK GUARANTEE of \$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

#5 Platanus x hybrida (London Plane Tree) \$3 000.00  
Woodville Ave nature strip

#6 Lophostemon confertus (Brushbox) \$2 000.00  
Adjacent to southern site boundary in Woodville Ave site frontage

69. To preserve the following tree/s, footings of the proposed Woodville Ave boundary fence shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 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.
70. The location and details of the footings shall be submitted to the principal certifying authority for approval by a suitably qualified professional prior to release of the Construction Certificate.

Tree/Location Radius in Metres

#5 Platanus x hybrida (London Plane Tree) 8.0m  
Woodville Ave nature strip

#6 Lophostemon confertus (Brushbox) 6.0m  
Adjacent to southern site boundary in Woodville Ave site frontage

71. In order to protect the privacy of the northern and eastern adjoining properties (No. 1357 Pacific Highway and 4-6 Woodville Avenue), the northern and eastern edges of the balconies at first floor level (Units 10, 11, 12 and 13) shall be fitted with 1.2 metres high, translucent glazed balustrades. Details shall be provided with the Construction Certificate application.
72. In order to protect the privacy of the northern and eastern adjoining properties, continuous, 1 metre wide, 1 metre high planter boxes shall be provided to the northern and eastern edges of the top floor balconies (Units 16 and 17). The

planter boxes shall contain shrubs which achieve a maximum growth height of 1 metre and are effective for screening.

73. 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.

74. 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).
75. 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.
76. 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.
77. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIFTEEN (15) ADDITIONAL DWELLINGS IS CURRENTLY \$187,070.13. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works- <i>Warrawee</i>	\$4,723.00
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

78. A total of three visitor parking spaces are to be provided. This is to be clearly shown on the Construction Certificate plans.
79. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot

consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

80. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

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

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

- a. construct a concrete footpath for the Woodville Avenue frontage of the site (asphaltic concrete may be required within tree canopies).

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

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and

specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

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

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

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

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

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

- \* Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and
- \* All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.
- \* If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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

the proposed vehicle access and accommodation layout and provide written certification on the plans that:

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

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

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

- 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- \* Details of the water quality measures required under Chapter 8 of DCP 47.
  - \* The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).
  - \* The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Concept Stormwater Management Plans by AFCE Environment + Infrastructure submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.
86. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
87. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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

88. 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
#15 Jacaranda mimosifolia (Jacaranda) Adjacent to north west site corner	5.0m
#15a Hymenosporum flavum (Native Frangipani) Adjacent to north west site corner	3.0m



#14 <i>Corymbia ficifolia</i> (Red flowering gum) Adjacent to western site boundary	4.0m
#12 <i>Banksia integrifolia</i> (Banksia) Adjacent to western site boundary	2.0m
#11 <i>Araucaria columnaris</i> (New Caledonia Pine) Adjacent to south west site corner	3.0m
#9 <i>Jacaranda mimosifolia</i> (Jacaranda) Woodville Ave nature strip	4.0m
#23 <i>Ulmus parvifolia</i> (Chinese Elm) Adjacent to north west site boundary	2.0m

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

Tree/Location	Radius From Trunk
#5 <i>Platanus x hybrida</i> (London Plane Tree) Woodville Ave nature strip	8.0m
#6 <i>Lophostemon confertus</i> (Brushbox) Adjacent to southern site boundary in Woodville Ave site frontage	6.0m

90. 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.
91. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise -as minimum details, the following:
- \* Tree Protection Zone
  - \* This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  - \* If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  - \* Name, address, and telephone number of the developer/principal certifying authority.

92. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
93. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
94. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
95. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
96. 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.
97. 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.
98. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
99. 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.

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

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

- \* New concrete driveway crossing in accordance with levels and specifications issued by Council.
- \* Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- \* Full repair and resealing of any road surface damaged during construction.
- \* Full repair of any footpath damaged during construction.
- \* Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- \* All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

101. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

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

- \* That the as-constructed carpark complies with the approved Construction Certificate plans,
- \* That mirrors are provided at each end of the one way ramp,
- \* That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
- \* That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- \* That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent

unrestricted access for internal garbage collection from the basement garbage storage and collection area.

- \* That the vehicular headroom requirements of:
- \* Australian Standard 2890.1 - "Off-street car parking",
- \* 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

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

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

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

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

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

- \* As built (reduced) surface and invert levels for all drainage pits.
- \* Gradients of drainage lines, materials and dimensions.

- \* As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - \* As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - \* The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - \* As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
  - \* The size of the orifice or control fitted to any on-site detention system.
  - \* Dimensions of the discharge control pit and access grates.
  - \* The maximum depth of storage possible over the outlet control.
  - \* Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.
  - \* The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.
105. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
106. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
107. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed:
- \* Full road pavement width of Woodville Avenue and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
  - \* All driveway crossings and laybacks in Woodville Avenue opposite the subject site.
  - \* The residence, garage and brick retaining wall at 4-6 Woodville Avenue; and
  - \* The residence at 1537 Pacific Highway.
  - \* The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

108. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
109. 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.

#### PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE

110. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. The location of the on-site detention facilities for all dwellings is to be denoted on the final plan of subdivision.
111. Prior to release of the linen plan/issue of the subdivision certificate by the Consent Authority, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of retention and re-use facilities" (available from Council on request) and to the satisfaction of Council. The location of the retention and re-use facilities for all dwellings are to be denoted on the final plan of subdivision
112. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
113. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
  - \* The endorsement fee current at the time of lodgment.
  - \* The 88B Instruments plus six (6) copies,
  - \* A copy of the Occupation Certificate,

- \* The Consulting 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.
- \* A copy of all works-as-executed plans required under the consent,
- \* All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- \* The Section 73 (Sydney Water) Compliance Certificate.

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

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

114. For endorsement of the linen plan/subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
115. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
116. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
117. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
118. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

## BUILDING CONDITIONS

119. 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 & Air-conditioning.
  - 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.
120. 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.
121. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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



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

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

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

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

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

*Against the Resolution:*    *Councillor Bennett*

**Councillors Lane & Ryan declared a conflict of interest  
in respect of the following item -  
657 to 661 Pacific Highway, Killara  
and withdrew from the Chamber taking no part  
in discussion and voting on the item**

- 518    **657 to 661 Pacific Highway, Killara - Construction of a Residential Flat Building & Townhouses Comprising a total of 49 Units & Basement Car Parking for 127 Vehicles & Strata Subdivision**

File: DA0677/05

Ward: Gordon

Applicant: Thiessen Architects

Owner: Afafura Property Pty Ltd and Sankilt Pty Ltd

To determine development application No. 677/05, which seeks consent for the construction of a residential flat building and townhouses comprising a total of 49 units and basement car parking for 127 vehicles and strata subdivision.

**Resolved:**

(Moved: Councillors Shelley/Innes)

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

THAT the Council, as the consent authority, grant development consent to DA 677/05 for the construction of a residential flat building comprising 49 units including basement parking and strata subdivision on land at 657-661 Pacific Highway, Killara, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

#### GENERAL

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

Dwg No	Rev	Description	Author	Dated	Lodged
00	A	Cover Sheet	Thiessen	25.5.05	29.6.05
01	A	Cover Sheet	Thiessen	25.5.05	29.6.05
02	A	Basement 1	Thiessen	25.5.05	29.6.05
03	A	Site & Level 1	Thiessen	25.5.05	29.6.05
04	A	Levels/to 4 + loft	Thiessen	25.5.05	29.6.05
05	A	Elevations	Thiessen	25.5.05	29.6.05
06	A	Elevations	Thiessen	25.5.05	29.6.05
07	A	Sections	Thiessen	25.5.05	29.6.05
08	A	Site Analysis	Thiessen	25.5.05	29.6.05
01	A	Landscape calculation	Thiessen	25.5.05	29.6.05
02	A	Building areas calculation	Thiessen	25.5.05	29.6.05
SH-04	A	Shadow Diagram	Thiessen	March 2005	29.6.05
SH-05	A	Shadow Diagram	Thiessen	March 2005	29.6.05
SH-06	A	Shadow Diagram	Thiessen	March 2005	29.6.05
SK-20	A	Window amendment	Thiessen	November 2005	9.11.05
SK-21	A	Corridor widths plan	Thiessen	November 2005	9.11.05

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

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

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

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

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

14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. 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 proposed development should be designed, such that road traffic noise from Pacific Highway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met the RTA recommends that Council apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- \* All habitable rooms other than sleeping rooms: 45 dB(A) L<sub>q</sub>(Ishr) and 40 dB(A) L<sub>eq</sub>(9hr) and
- \* Sleeping rooms: 35 dB(A) qh-

18. The post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:  
Sydney Asset Management  
PO Box 558  
Blacktown, NSW 2148

A plan checking fee may will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8814 2114 or Fax 8814 2111.

19. Off-street parking associated with the proposed development (such as driveways, aisle widths, aisle lengths, parking bay dimensions and sight distances) should be designed in accordance with AS 2890.1 - 2004.
20. Any redundant driveway on Pacific Highway must be removed and kerb and gutter reinstated to match existing.
21. Suitable provision should be made on site for all construction vehicles to avoid any vehicles parking or standing on Pacific Highway.
22. All vehicles are to enter and exit the site in a forward direction.
23. In order to comply with the noise intrusion requirements, the recommendations made in Report No. 242827-TRP-003812-02 by VIPAC Engineers and Scientists Ltd, dated 28 April 2005 are to be carried out.
24. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system.
25. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
26. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
27. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
28. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage

system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.

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

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

34. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
35. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
36. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.
37. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.
38. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas, the Implementation Program and subsequent recommendations.
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.
40. Landscape works shall be carried out in accordance with Landscape Drawing No LDA201-LDA502 Rev A prepared by SCAPE and dated 08/03/05 submitted with the Development Application, except as amended by the following:
  - \* A total of six Eucalyptus saligna (Bluegum) are to be planted as an evenly spaced formal avenue planting within the proposed ornamental grass garden beds, across the Pacific Hwy site frontage within the proposed deep soil landscape area. The trees are to be planted so that they have a minimum 3.5m setback from the site boundary.

- \* The proposed planting of *Syncarpia glomulifera* adjacent to the Greengate lane site frontage are to be deleted and replaced with *Lagerstroemia indica* (Crepe Myrtle), with the same planting specifications and locations.
- \* The proposed planting of Eucalypts between the Greengate Hotel and the proposed residential flat building is to be deleted and replaced with *Syncarpia glomulifera* (Turpentine) with the same planting specifications and locations.
- \* The proposed paving within the private courtyard on the northern side of Townhouse 1, is to be deleted, with the exception of a 1.0m wide landing outside of any proposed doorways.
- \* The proposed courtyard wall on the northern side of Townhouse 1, is to have a minimum setback from the Bruce Ave site boundary of 5.0m. The area outside of the private courtyard is to be maintained as communal open space and planted with two additional native endemic tree species able to attain a minimum height of 13.0m, in addition to the proposed planting.

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

Tree/Location

*Jacaranda mimosifolia* (Jacaranda) x 3  
Bruce Ave nature strip

*Pistacia chinensis* (Chinese Pistacio) x 2  
Pacific Hwy nature strip

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

Tree/Location

*Quercus robur* (English Oak) x 2  
Adjacent to the southern site boundary

43. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

44. 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**

*Quercus robur* (English Oak) x 2  
Adjacent to the southern site boundary

**Radius From Trunk**

9.0m



45. 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 principal certifying authority shall be required at three monthly/quarterly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.

46. 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
<i>Quercus robur</i> (English Oak) x 2 Adjacent to the southern site boundary	9.0m

47. 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.

48. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Pacific Hwy. The trees are to be planted as an evenly spaced avenue planting. The tree/s used shall be 25 litre container size specimen/s:

Tree Species  
*Jacaranda mimosifolia* (Jacaranda) x 6

49. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Bruce Ave. The trees are to be planted as an evenly spaced avenue planting. The tree/s used shall be 45 litre container size specimen/s:

Tree Species  
*Jacaranda mimosifolia* (Jacaranda) x 6

50. Following removal of the *Jacaranda mimosifolia* (Jacaranda) and *Pistacia chinensis* (Chinese Pistacio) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council, at no cost to Council.

51. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. The palm is to be transplanted and relocated on site as a feature planting.

Species/Location  
*Phoenix canariensis* (Canary Is Date Palm)  
Adjacent to eastern/Greengate Lane site boundary

52. 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.

53. Due to the possibility of relics being contained within the site, during excavation works, the applicant must ensure that should any historical relics be uncovered, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the 'Heritage Act, 1977', the applicant must ensure the Heritage Council of NSW is notified within a reasonable time of discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

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

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

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

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

activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

57. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
58. 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 THIRTY-NINE (39) ADDITIONAL DWELLINGS IS CURRENTLY \$672,868.83. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

59. Prior to issue of the Construction Certificate, the applicant is to submit the Geotechnical Implementation Program incorporating a Monitoring Program, a Contingency Plan and Construction Methodology, as recommended by Jeffery and Katauskas in their report. The Program is to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
60. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
61. The Applicant must submit carry out the following infrastructure works in the Public Road:
  - \* Construct half width road pavement (2.75m) in Greengate Lane (west) for the full frontage of the development, including new upright kerb and gutter.
  - \* Construct 1.0 metre wide footpath for the full Greengate Lane (west) frontage of the development, adjacent to the kerb in Greengate Lane (west) using porous paving materials.

The applicant is to liaise with Council's Technical Services section as to the position of the carriageway within the road reserve.

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

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

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to

be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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

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

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

62. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- \* All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
  - \* A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - \* No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - \* A radius is provided on the corner of the hatched pedestrian area adjacent to the entry on the hotel parking level to improve the left turn movement by cars from the bridge ramp to the circulation aisle, as recommended in the report by Masson Wilson Twiney dated May 2005.

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

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

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

64. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- \* Exact location and reduced level of discharge point to the public drainage system.
  - \* Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
  - \* Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
  - \* Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
  - \* Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
  - \* The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Drawings HS01 to HS04 by Michael Frost & Associates submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

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

66. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
67. 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 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.

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

*Quercus robur* (English Oak) x 2

Adjacent to the southern site boundary

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

69. 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.

70. 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.
71. 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.

72. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the Greengate Hotel. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council Development Engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
73. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

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



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

- \* All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- \* Traffic controllers are to be stationed at the intersection(s) of Bruce Avenue and Greengate Lane and at the bend when construction vehicles are approaching the site from Greengate Lane.
- \* Consideration should be given to using an existing driveway off Bruce Avenue for some site access.
- \* Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

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

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

In addition, the plan must address:

- \* Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- \* Minimising construction related traffic movements during school peak periods.
- \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.
- \* Employee parking is to be provided in the basement as soon as practicable.

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

this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

74. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
75. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- \* Full road pavement width, including kerb and gutter, of Bruce Avenue over the site frontage.
  - \* Southbound lane of Pacific Highway, including kerb and gutter, over the site frontage.

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

76. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered and, the works are not to commence until approval has been granted. The designs are to include details of the following:
- \* How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
  - \* That the locations of the rock anchors are registered with Dial Before You Dig
  - \* That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the

allocations for the various utilities as adopted by the Streets Opening Conference.

- \* That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- \* That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

77. 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>Quercus robur</i> (English Oak) x 2 Adjacent to the southern site boundary	8.0m

78. 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.
79. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:
1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  4. Name, address, and telephone number of the developer/principal certifying authority.

80. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.
81. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone, special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.
82. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
83. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
84. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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 THE ISSUE OF A SUBDIVISION CERTIFICATE

85. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

86. The applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.
87. Prior to release of the linen plan/issue of the subdivision certificate, all necessary road, footpath and/or drainage works in the public road must be completed in full. Such works shall be in full accordance with the Council approved drawings and to the satisfaction of Council's Development Engineer. The applicant's designing engineer must supervise the works. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. This certification shall be provided prior to release of the linen plan/issue of the subdivision certificate. The works are also to be subject to inspection by Council as noted on the approved drawings and any conditions attached to the approved drawings for these works must be met. The completed works are to be approved by Council's Development Engineer prior to release of the linen plan/issue of the subdivision certificate.
88. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
89. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
90. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
  - e. A copy of all works-as-executed plans required under the consent,

- f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- g. The Section 73 (Sydney Water) Compliance Certificate.

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

- Note 1: Plans of subdivision and copies must not be folded.
- Note 2: Council will not accept bonds in lieu of completing subdivision works.
- Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

- 91. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 92. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
- 93. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

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

- 94. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
- 95. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- \* New road pavement and kerb and gutter in accordance with the plans approved by Council under the Roads Act.
- \* Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. 1 (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- \* Full repair and resealing of any road surface damaged during construction.
- \* Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

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

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

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

97. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
98. Prior to the issue of an Occupation Certificate, the applicant is to obtain approval of the Ku-Ring-Gai Traffic Committee to the extension of the No Parking length along the Pacific Highway frontage of the site, as recommended in the report by Masson Wilson Twiney dated May 2005, and arrange for the signs to be installed accordingly. A parking "P" sign is also to be installed on the gate post at the start of the driveway.
100. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- \* That the as-constructed car park complies with the approved Construction Certificate plans,
- \* That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
- \* That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- \* That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- \* That the vehicular headroom requirements of:
- \* Australian Standard 2890.1 - “Off-street car parking”,
- \* 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.
- \* A radius is provided on the corner of the hatched pedestrian area adjacent to the entry on the hotel parking level to improve the left turn movement by cars from the bridge ramp to the circulation aisle, as recommended in the report by Masson Wilson Twiney dated May 2005.

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

- \* That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- \* That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- \* That retained water is connected and available for uses including toilet flushing, laundry and garden irrigation.
- \* That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- \* That all grates potentially accessible by children are secured.
- \* That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- \* All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices. The following certification sheets **must be accurately completed and attached** to the certification:
- \* Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47



- \* On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

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

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

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

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

104. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

- \* According the relevant Australian Standards and guidelines, and
- \* According to the Monitoring Program submitted with the Construction Certificate documentation, and
- \* In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

105. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report

on Geotechnical Investigation by Jeffery and Katauskas and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

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

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

107. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
108. 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.

#### BUILDING CONDITIONS

109. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
  - c. Wet area waterproofing details complying with the Building Code of Australia.
  - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
  - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
110. 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.
111. 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.

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

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

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

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

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

*Against the Resolution:      Councillor Bennett*

**Councillors Lane & Ryan returned**

## 519 **Christmas/New Year Recess Delegations**

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 File: S02017

To grant appropriate Delegations during the Christmas/New Year recess period.

### **Resolved:**

(Moved: Councillors Shelley/Cross)

- A. That the Mayor, Councillor Elaine Malicki, the Deputy Mayor, Councillor Nick Ebbeck and the General Manager, Brian Bell, be granted authority to exercise all powers, authorities, duties and functions of Council except those set out in Section 377 of the Local Government Act 1993 during the period 14 December 2005 to 6 February 2006, subject to the following conditions:

1. Such powers, authorities and functions may only be exercised by unanimous agreement between the Mayor, Deputy Mayor and General Manager.
  2. Any such power, authority, duty or function shall only be exercised by the Mayor, Deputy Mayor and General Manager jointly where they are of the opinion that the exercise of any such power, authority, duty or function could not be deferred until the meeting of Council on 7 February 2006.
- B. That consultation subject to their availability be held with Ward Councillors on matters where they would normally be contacted before delegation is exercised.

**CARRIED UNANIMOUSLY**

520 **Proposed Drainage Easement over Council Land at 5 Morris Avenue, Wahroonga (Eldinhope Green) - Applicant at 42 Westbrook Avenue, Wahroonga**

File: P63149

For Council to consider granting a drainage easement over Council land known as Eldinhope Green to the applicant at 42 Westbrook Avenue, Wahroonga.

**Resolved:**

(Moved: Councillors Shelley/Ebbeck)

- A. That Council approves the granting of the proposed drainage easement over Council land at 5 Morris Avenue, Wahroonga, known as Eldinhope Green Park to the applicant at 42 Westbrook Avenue, Wahroonga, as proposed in this Report.
- B. That Council issues a public notice as prescribed by Section 47 of the Local Government Act (1993).
- C. That Council authorises the Mayor and General Manager to sign the documentation associated with the proposed easement, should no substantial objections be received following the public notice.
- D. That Council authorises the affixing of the Common Seal to the documentation associated with the proposed easement, should no substantial objections be received following the public notice.
- E. That a report be brought back to Council if there are any substantial objections through the period of public notice.

**CARRIED UNANIMOUSLY****521 District Park Landscape Master Plans**

File: S04471

To advise Council of the process of District Park Landscape Master Planning being commenced during 2005/2006.

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That the District Park Landscape Master Planning process be commenced for St Ives Village Green, Kissing Point Village and Swain Garden during 2005/2006.
- B. That District Park Landscape Master Planning continue to be identified within Council's Management Plan.

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

*Against the Resolution:   Councillor Bennett*

*Standing Orders were suspended to deal with items  
where there are speakers commencing with  
GB.14, then GB.13, GB.4, GB.11 & GB.12 &  
was moved by Councillors Bennett & Innes &  
CARRIED UNANIMOUSLY*

**522 Turramurra Town Centre Preferred Land Use Options**

File: S04038

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

**G Kemp  
B Irwin  
P Edwards  
S Wesley  
G Coulter  
V Harris  
C Wratt  
M Thomas**

**L Fowler**  
**D Newbrun**  
**R Koziol**

To have Council consider the consultation and planning outcomes for the Turramurra centre and to seek Council's endorsement of the recommended option and to prepare a draft Local Environmental Plan and draft Development Control Plan to rezone certain lands in and around the Turramurra Centre to set more detailed planning and development controls for the area.

**Resolved:**

(Moved: Councillor Cross/Shelley)

- A. That Council adopt in principle Option E as outlined on Page 17 this report to DIRECT future development of retail, residential, community and commercial activity in the Turramurra Village Centre, noting that the "21,500sqm NFA of retail – Page 17 of the report" actually means 21,500 retail INCLUDING shop front commercial.
- B. That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.

*Note: A, B and C to be carried out in conjunction with H which is the reclassification of Community Land Report.*

- D. That the Draft Local Environmental Plan propose rezoning of lands in accordance with the following table and as outlined in this report, but removing the Land Bound by Kissing Point Road, Boyd, railway and Highway precinct including Hillview. This precinct to be the subject of a further detailed report based on the "Hillview Garages and Historic Precincts Conservation Plan: and any other studies and consultation.

Land Description	Addresses	Proposed Zones
Land Bound By Duff Street, Pacific Highway and Kissing Point Road.	1A, 1, 3 Kissing Point Road	Local Centre
	1364, 1370-1378, 1390, 1392, 1396 Pacific Highway	Local Centre
	1380-1388 Pacific Highway	Part Local Centre Potential Part Local Open Space - Public
	1408 Pacific Highway, 2 Duff Street	Local Centre
	4 Duff Street, 3 Stonex Lane	Part Local Centre Part Local Open Space - Public
Land on corner of Ray Street and Pacific highway	1335, 1337 Pacific Highway	Residential - High Density

Land Description	Addresses	Proposed Zones
Land bounded by Ray Street, Pacific Highway and Railway Line	1275, 1293, 1295, 1297-9, 1301, 1305, 1307, 1311, 1315, 1319, 1323, 133 Pacific Highway, 1 & 5 Ray Street, 4, 6, 8, 10, 12 William Street,	Local Centre
Land Bounded by Rohini Street, Eastern Road, Gilroy Road, Uniting Church and Turramurra Ave.	1251, 1253, 1255, 1257, 1259, 1263, 1267, 1269, 1271, 1273 Pacific Highway, 1-3, 5-7, 9, 17, 19, 21, 23, 25, 29, 31, 33, 35, 37, 39 Rohini Street, 1-7 Gilroy Road, 2-8 Turramurra Avenue.	Local Centre
	9-11 Turramurra Avenue,	Infrastructure – Place of Public Worship.
Land on Corner Pacific Highway and Turramurra Avenue	1233, 1243, 1245, 1247 Pacific Highway	Residential – High Density
Land on corner of Eastern Road and Rohini Street.	47- 49 Rohini Street	Residential - High Density
	2, 4, 8, 10, 14, 20 Eastern Road	Local Centre

- E. That Council prepare a Draft Development Control Plan for the Turramurra Centre in accordance with the table of contents outlined in Attachment I.
- F. That Council adopt the work programme as outlined in the report including the timeframe for the final submission of an adopted Local Environmental Plan to the Minister for Planning, plus a compulsory Preliminary Exhibition prior to a Draft LEP coming to Council for Adoption as a draft.
- G. That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition. This is to include a preliminary exhibition to residents.

Councillors are to receive the material for the draft a minimum of one week, preferably ten days prior to the matter coming to Council.

- H. That the FURTHER report consider reclassification of community land within the Turramurra Centre in conjunction with A, B and C and in conjunction with staff recommendations concerning the public domain plan, proposals for community facilities, green space and traffic/parking management as per I below.

- I. That the following be prepared for the Turramurra Centre:
- i. A public domain concept plan.
  - ii. An action plan for traffic and parking management.
  - iii. Proposals for community facilities.
  - iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.

- J. That the development of a Section 94 Development Contributions strategy be commenced.
- K. That Council inform Rail Corp of its support for a 7.5 metre wide pedestrian bridge over the railway at Turramurra Station, subject to further negotiation regarding the financial aspects, and provide a further report to Council on funding matters associated with making this commitment.
- L. That a best case traffic plan be prepared for Option E, both including and excluding a road bridge from Rohini Street to Ray Street. This is to be considered by Council separately prior to inclusion in the Draft LEP and Draft DCP.

That creation of new roads generally as indicated on the map in attachment H be further considered by Council prior to inclusion in the Draft LEP and Draft DCP but that no new roads be included in the Rohini Street/Turramurra Avenue precinct.

- M. That final controls and rezoning of land within the Turramurra Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.

Traffic considerations and contraindications should also be taken into account on any recommendation or decision on increasing densities.

If there is to be any variation to the controls and rezonings as proposed, a report must come to Council before any variation occurs.

- N. That a further report be brought back to Council on the assessment of the potential to rezone properties currently zoned residential 2d and 2e to higher densities similar to those under the 2(d3) zone in LEP 194. This report is to specifically address the properties identified in the table below and as outlined in Attachments E and F and include recommendations on which properties should be included for rezoning in the draft Turramurra Centre LEP. Traffic considerations and contraindications should also be taken into account on any recommendation or decision on increasing densities.

<b>Precinct</b>	<b>Address</b>
Area bounded by Ray Street, Pacific Highway, Cherry Street and railway line.	1345, 1351, 1359 Pacific Highway
	6, 8 10, 12, 14, 16, 18 Ray Street.
	2 Cherry Street
Corner of Pacific highway and Duff Street	1A Duff Street, 1416 and 1420 Pacific Highway
Corner of Kissing Point Road and Boyd Street	4-6, 8 Kissing Point Road, Turramurra
	2-4, 6 Boyd Street, Turramurra
Area bounded by Rohini Street, Eastern Road, King Street, pathway between King and Cherry Streets and railway line.	51, 53 Rohini Street
	22, 24, 26, 28 Eastern Road
	6 King Street



- O. That a further report be brought back to Council on the assessment of interface properties and include recommendations on which properties should be included for rezoning in draft Turrumurra LEP. This report is to include the properties identified in Council's resolution on 18 October 2005 as well as any other properties in Residential 2(c) or 2(c2) zones that may be impacted by the resolved preferred draft planning option for the Turrumurra centre.

Traffic considerations should be taken into account in any recommendation or decision on rezoning of interface properties.

- P. That the Aquatic Study come to Council at the earliest opportunity, preferably the first meeting of 2006 with further recommendations for an indoor leisure centre at a location outside the Turrumurra Town Centre.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Innes & Shelley*

*Against the Resolution: Councillors Andrew, Ebbeck, Hall, Lane & Ryan*

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

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

*(Moved: Councillors Ebbeck/Andrew)*

- A. That Council adopt in principle the recommended option (option D) as outlined in this report and in Attachment D to guide future development of retail, residential, community and commercial activity within the Turrumurra Centre.
- B. That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the Draft Local Environmental Plan propose rezoning of lands in accordance with the following table and as outlined in this report.

Land Description	Addresses	Proposed Zones
Land Bound By Duff Street, Pacific Highway and Kissing Point Road.	1A, 1, 3 Kissing Point Road	Local Centre
	1364, 1370-1378, 1390, 1392, 1396 Pacific Highway	Local Centre
	1380-1388 Pacific Highway	Part Local Centre Potential Part Local Open

Land Description	Addresses	Proposed Zones
		Space - Public
	1408 Pacific Highway, 2 Duff Street	Local Centre
	4 Duff Street, 3 Stonex Lane	Part Local Centre Part Local Open Space - Public
Land bound by Kissing Point Road, Pacific Highway and Railway line	1334 (Hillview), 1340, 1356, 1358, 1360, 1362 Pacific Highway, 2 Kissing Point Road	Residential - High Density – Potential additional permitted uses: health centre; community facilities; commercial, potential open space, public access
Land on corner of Ray Street and Pacific highway	1335, 1337 Pacific Highway	Residential - High Density
Land bounded by Ray Street, Pacific Highway and Railway Line	1275, 1293, 1295, 1297-9, 1301, 1305, 1307, 1311, 1315, 1319, 1323, 133 Pacific Highway, 1 & 5 Ray Street, 4, 6, 8, 10, 12 William Street,	Local Centre
Land Bounded by Rohini Street, Eastern Road, Gilroy Road, Uniting Church and Turramurra Ave.	1251, 1253, 1255, 1257, 1259, 1263, 1267, 1269, 1271, 1273 Pacific Highway, 1-3, 5-7, 9, 17, 19, 21, 23, 25, 29, 31, 33, 35, 37, 39 Rohini Street, 1-7 Gilroy Road, 2-8 Turramurra Avenue.	Local Centre
	9-11 Turramurra Avenue,	Infrastructure – Place of Public Worship.
Land on Corner Pacific Highway and Turramurra Avenue	1233, 1243, 1245, 1247 Pacific Highway	Residential – High Density
Land on corner of Eastern Road and Rohini Street.	47- 49 Rohini Street	Residential - High Density
	2, 4, 8, 10, 14, 20 Eastern Road	Local Centre

- E. That Council prepare a Draft Development Control Plan for the Turramurra Centre in accordance with the table of contents outlined in Attachment I.
- F. That Council adopt the work programme as outlined in the report including the timeframe for the final submission of an adopted Local Environmental Plan to the Minister for Planning.
- G. That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition.
- H. That this report consider reclassification of community land within the Turramurra centre

- I. That the following be prepared for the Turramurra Centre:
- i. A public domain concept plan.
  - ii. An action plan for traffic and parking management.
  - iii. Proposals for community facilities.
  - iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.
- J. That the development of a Section 94 Development Contributions strategy be commenced.
- K. That Council inform Rail Corp of its support for a 7.5 metre wide pedestrian bridge over the railway at Turramurra Station, subject to further negotiation regarding the financial aspects, and provide a further report to Council on funding matters associated with making this commitment.
- L. That creation of new roads generally as indicated on the map in Attachment H be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.
- M. That final controls and rezoning of land within the Turramurra Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.
- N. That a further report be brought back to Council on the assessment of the potential to rezone properties currently zoned residential 2d and 2e to higher densities similar to those under the 2(d3) zone in LEP 194. This report is to specifically address the properties identified in the table below and as outlined in Attachments E and F and include recommendations on which properties should be included for rezoning in the draft Turramurra Centre LEP.

Precinct	Address
Area bounded by Ray Street, Pacific Highway, Cherry Street and railway line.	1345, 1351, 1359 Pacific Highway
	6, 8 10, 12, 14, 16, 18 Ray Street.
	2 Cherry Street
Corner of Pacific highway and Duff Street	1A Duff Street, 1416 and 1420 Pacific Highway
Corner of Kissing Point Road and Boyd Street	4-6, 8 Kissing Point Road, Turramurra 2-4, 6 Boyd Street, Turramurra
Area bounded by Rohini Street, Eastern Road, King Street, pathway between King and Cherry Streets and railway line.	51, 53 Rohini Street
	22, 24, 26, 28 Eastern Road
	6 King Street

- O. That a further report be brought back to Council on the assessment of interface properties and include recommendations on which properties should be included for rezoning in draft Turramurra LEP. This report is to

include the properties identified in Council's resolution on 18 October 2005 as well as any other properties in Residential 2(c) or 2(c2) zones that may be impacted by the resolved preferred draft planning option for the Turramurra centre.

- P. That there is no retail or commercial development within 25 metres of the Uniting Church boundary except within the existing buildings.
- Q. That the draft LEP includes consideration of the road bridge from Ray Street to Rohini Street.

**Council adjourned for a short interval at 9.55pm  
after a Motion moved by Councillors Bennett & Cross was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 10.10pm**

Those present were:

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

523 **Greengate Precinct - Traffic Assessment**

File: 88/05502/03

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

**T Howard  
P Woodhead**

To consider the likely cumulative impact of traffic of all proposed developments under LEP194 within the 'Greengate' precinct.

**Resolved:**

(Moved: Councillors Lane/Ryan)

That the proposal for one way flow in Greengate Lane (eastbound) and one way flow (northbound) in the north-south section of Bruce Avenue be referred to the Ku-ring-gai Traffic Committee for consideration.

**CARRIED UNANIMOUSLY**

524 **1, 3, 5 & 7 Bruce Avenue & 6 Greengate Lane, Killara**

File: DA0514/05

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

**P Woodhead**

**T Howard**

**T Smith**

**S Cooper**

To respond to issues raised at the Council site inspection and seek Council's determination of the development application.

**Resolved:**

(Moved: Councillors Ryan/Lane)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to 25I(8) (Number of storeys excluding top storey) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the additional storey will not result in unacceptable impacts on solar access or landscape character and will achieve the objectives of the height standard.

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 514/05 is consistent with the aims of the Policy, grant development consent to DA 514/05 for demolition, construction of residential flat building and strata subdivision on land at 1-7 Bruce Ave, 6 Greengate Lane Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans numbered Job No. 0418 Sheets DA01B, DA02B, dated 30 August 2005, DA03C dated 5 October 2005, DA04D, dated 5 October 2005, DA05C, DA06C, DA07C, DA08C, DA09D, DA10C, DA11C, DA21C dated 26 September 2005, drawn by Fortey & Grant Architecture, and Draft Strata Plan, Sheets 1-5. undated and

lodged with Council on 8 & 27 September and 5 October 2005 endorsed with Council's approval stamp, except where amended by the following conditions:

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The swimming pool is to have a maximum depth of 2 metres.
5. Where timber is specified, plantation timbers are to be used in the development.
6. To conserve water, the following shall be installed in the bathrooms and toilets:
  - a. maximum 6/3 litre dual flush cisterns;
  - b. shower heads with reduced water flow devices.
7. Energy efficient hot water systems which have a 4 star rating or greater shall be employed.
8. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
9. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
10. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
11. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
12. For safety purposes, depth markers shall be provided at both ends of the pool.
13. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG

CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.

14. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
15. A balustrade shall be provided where the pool concourse stands more than 1.0 metre above the finished ground level.
16. To maintain the existing ground levels all spoil shall be removed from the site. Sites shall not be re-shaped, re-contoured, nor the levels on any part of the site altered without the consent of the Council being obtained beforehand.
17. To ensure structural stability wherever the soil conditions so require, a retaining wall or other approved method of preventing the movement of soil shall be provided and adequate provision shall be made for drainage.
18. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
19. For the purpose of residential amenity, details of proposed soundproof enclosure design to house all spa pumping units shall be prepared by a practising acoustical engineer and shall be submitted to the Principal Certifying Authority for approval. Noise levels are not to exceed 5dB(A) at the boundaries of the site.
20. 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.
21. 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.
22. 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.

23. 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.
24. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
25. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
26. 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.
27. 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.
28. 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.
29. 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.

30. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
31. 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.
32. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
33. 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.
34. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
35. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
36. 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.

37. 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.
38. 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.
39. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
40. 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.
41. 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.
42. 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.
43. 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.
44. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.

45. 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.
46. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
47. Fire hoses are to be maintained on site during the course of demolition.
48. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
49. 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.
50. 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.
51. 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.
52. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
53. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
54. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
55. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
56. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.

57. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
58. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
59. 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.
60. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
61. 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.
62. To maintain the established streetscape and general appearance, the overall height of the fence to street frontages is not to exceed 1 metre in height, except for the corner of Greengate Lane (west) and Greengate Lane (south), where the fence is not to exceed 600mm in height to provide adequate sight lines.
63. 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.
64. Landscape works shall be carried out in accordance with Landscape Drawing No LP.01/B Rev C Sheets 1-4 prepared by Botanica and dated 06/08/05 submitted with the Development Application. The landscape works shall be completed prior to issue of the Occupation Certificate and be maintained in a satisfactory condition at all times, except as amended by the following;
  - \* The proposed planting of two *Hymenosporum flavum* (Native frangipani) and one *Elaeocarpus reticulatus* (Blueberry Ash) adjacent to the eastern side of Unit G.05 are to be deleted and replaced with two *Syncarpia glomulifera* (Turpentine) spaced a minimum of 6.0m apart and located no closer than 5.0m from the wall of the units.
  - \* The proposed planting of one *Elaeocarpus reticulatus* (Blueberry Ash) to the north east of Unit G.05 is to be deleted and replaced with a deciduous tree species that can attain a minimum height of 13.0m to be in scale with the development.
  - \* The proposed understorey planting at the south west corner of the site is to incorporate only species that attain a maximum height of 800mm, to improve sight lines at the corner.

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

Tree/Location

*Acer negundo* (Box Elder)

Bruce Ave nature strip

*Jacaranda mimosifolia* (Jacaranda) x 3

Bruce Ave nature strip

66. 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.
67. 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**

#5 *Liquidambar styraciflua* (Sweet Gum) 6.0m  
Adjacent to eastern (side) site boundary

#6 *Camellia japonica* (Japanese Camellia) 4.0m  
Adjacent to eastern site boundary in neighbouring property

#7 *Macadamia tetraphylla* (Macadamia) 4.0m  
Adjacent to southern/Greengate Lane site boundary

#14 *Eucalyptus cinerea* (Argyle Apple) 6.0m  
Adjacent to northern/Bruce Ave site boundary

#37 *Washingtonia filifera* (Cotton Palm) 3.0m  
Adjacent to southern/Greengate Lane site boundary

#40 *Jacaranda mimosifolia* (Jacaranda) 5.0m  
Adjacent to southern/Greengate lane site boundary

68. 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 principal certifying authority shall be required at quarterly/three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority with a copy to Council with the Occupation Certificate.
69. 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
#5 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern (side) site boundary	6.0m
#7 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to southern/Greengate Lane site boundary	4.0m
#14 <i>Eucalyptus cinerea</i> (Argyle Apple) Adjacent to northern/Bruce Ave site boundary	6.0m
#37 <i>Washingtonia filifera</i> (Cotton Palm) Adjacent to southern/Greengate Lane site boundary	3.0m
#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Greengate lane site boundary	5.0m

70. 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.
71. The following tree species shall be planted, at no cost to Council, in the nature strip as an evenly spaced avenue planting, fronting the property along Bruce Ave. The tree/s used shall be 45 litre container size specimen/s:

Tree Species

*Jacaranda mimosifolia* (Jacaranda) x 10

72. Following removal of the *Acer negundo* (Box Elder) and *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
73. 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.
74. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system.
75. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
76. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

77. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
78. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
79. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
80. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
81. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
82. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If**

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

83. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
84. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
85. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
86. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be **provided in the access driveways to the basement carpark preventing this service.**
87. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.
88. **The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Davies Geotechnical and subsequent reports. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:**
  - \* Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - \* Groundwater modelling and analysis to assess groundwater levels during and after construction and determine ways to ameliorate effects of development,
  - \* Review and endorse the design for excavation support,
  - \* Further monitoring and inspection as recommended in the above report(s) and as determined necessary,



- \* **Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.**

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

89. The development is to comply with the recommendations of the Access Report by Mark Relf of Accessibility Solutions dated 16 May 2005 for the nominated adaptable units in relation to kitchens, doors and door hardware. Details are to be provided to the satisfaction of the Principal Certifying Authority prior to release of Construction Certificate.
90. To achieve the minimum energy performance requirements, the following insulation shall be included in the development:
  - \* Insulation with a minimum “R” value of 1.0 in the cavity brick walls;
  - \* Weather seals to windows and doors;
  - \* Insulation with a minimum “R” value of 2.0 in the roof/concrete ceiling and foil under the metal deck roof;
  - \* Insulation with a minimum “R” value of 1.0 to the floor including separation from basement car parking.Details are to be submitted to the approval of the Principal Certifying Authority prior to the release of the Construction Certificate.
91. In order to achieve an acceptable fit with the nearby heritage items and the locality, the colour scheme is to include a greater proportion of warm/earthy colours. A revised colour schedule is to be submitted to Council prior to the release of the Construction Certificate.
92. To protect the privacy of residents to the east, the balustrade of the terrace to the east of Unit 4.02 is to be set back to a distance of 8.5 metres from the eastern boundary. The area to the east of the balustrade is to be non-trafficable. Details are to be submitted for the approval of the Principal Certifying Authority prior to the release of the Construction Certificate.
93. To protect the privacy of residents to the south, the balustrade of the terrace to the south of Unit 4.03 is to be set back to a distance of 8 metres from the southern boundary. The area to the south of the balustrade is to be non-trafficable. Details are to be submitted for the approval of the Principal Certifying Authority prior to the release of the Construction Certificate.
94. Habitable rooms are to have a minimum floor to ceiling height of 2.7 metres. Details are to be submitted for the approval of the Principal Certifying Authority prior to the release of the Construction Certificate.
95. The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths is illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected. Details are to be provided prior to the release of the Construction Certificate.
96. The fencing and landscaping amendments to the south-west corner of the site required as conditions of this consent, are to be submitted to Council’s Strategic

Traffic Engineer and approved prior to the release of the Construction Certificate.

97. 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.

99. 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.
100. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Construction Certificate.
101. 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 Construction Certificate. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
102. 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 37**

**ADDITIONAL DWELLINGS IS CURRENTLY \$761,401.80.** The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

103. 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 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.

104. A CASH BOND/BANK GUARANTEE of \$6 000.00 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

#5 *Liquidambar styraciflua* (Sweet Gum) \$2 000.00  
Adjacent to eastern (side) site boundary

#7 *Macadamia tetraphylla* (Macadamia) \$500.00  
Adjacent to southern/Greengate Lane site boundary

#14 *Eucalyptus cinerea* (Argyle Apple) \$2 000.00  
Adjacent to northern/Bruce Ave site boundary

#37 *Washingtonia filifera* (Cotton Palm) \$500.00  
Adjacent to southern/Greengate Lane site boundary

#40 *Jacaranda mimosifolia* (Jacaranda) \$1 000.00  
Adjacent to southern/Greengate lane site boundary

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

- 106a. The Applicant must carry out the following infrastructure works in the Public Road:

- \* Construct new concrete footpath for the Bruce Avenue frontage of the development.
- \* Construct half width road pavement (2.5 metres) for the full frontage of the development including new upright kerb and gutter in Greengate Lane (west).
- \* Construct 5.5 metres width road pavement and 1 metre width footpath in Greengate Lane (south) for the full frontage of the development, including new upright kerb and gutter.

The applicant is to liaise with Councils Technical Services section as to the position of the carriageway within the road reserve.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate

must not be issued, and these works must not proceed, until Council has issued a formal written consent under the Roads Act 1993.

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

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

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

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

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

106b. The Applicant must construct a 1.0 metre wide footpath on the western side of the site, adjoining the Greengate Lane (west) site boundary and within the site. Details are to be submitted to Council in conjunction with the works required to the adjacent carriageway, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

The applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain a 1.0 metre wide pedestrian footpath along the Greengate Lane (west) frontage of the site. The terms of the instruments are to prevent the placement of any structures, walls, fences or other items which may impede public pedestrian access along that footpath and to require the Owners' Corporation to keep the footpath in a safe condition.

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

the proposed vehicle access and accommodation layout and provide written certification on the plans that:

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

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

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

6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).

- \* The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on Drawings 56979-1 to -4 by Kneebone & Beretta submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

110. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
111. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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

112. A report on the existing dwellings is to be submitted and approved to the heritage officer's satisfaction prior to commencement of the work and prior to issue of a Construction Certificate.

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

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

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

- \* Each elevation
- \* All interior rooms (1, 3 and 5 Bruce Avenue only)
- \* All structures on site such as sheds, outhouses and significant landscape features
- \* Several photographs of house from public streets or laneways including several views showing relationship of the group of houses to neighbouring buildings.

Minimum requirements:

- \* Title page
- \* Statement of reasons the recording was made
- \* Location Plan showing relationship of site to nearby area
- \* Site plan to scale (1:200 – 1:500) showing all structures and site elements
- \* Floor Plan (1:100)
- \* Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- \* Colour slides (one set)

Digital images and CDs may be submitted as supplementary information.

113. 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.
114. 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.
115. 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
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#5 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to eastern (side) site boundary	6.0m
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#14 <i>Eucalyptus cinerea</i> (Argyle Apple) Adjacent to northern/Bruce Ave site boundary	6.0m
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116. 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 Greengate Lane 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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#7 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to southern/Greengate Lane site boundary	4.0m
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#37 <i>Washingtonia filifera</i> (Cotton Palm) Adjacent to southern/Greengate Lane site boundary	3.0m
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#40 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern/Greengate lane site boundary	5.0m
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117. 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.

118. Tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign to advise as minimum details, the following:

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

119. The area of the Tree Protection Zone is to be mulched to a depth of 100mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as to that where the mulch is to be applied, ie species specific mulch. The depth of mulch and type as indicated, to be maintained for the duration of the project.

120. No services either temporary or permanent are to be located within the Tree protection Zone. If services are to be located within the Tree Protection Zone,

special details will need to be provided by a qualified consulting Arborist for the protection of the tree regarding the location of the service/s.

121. In the event of prolonged dry periods, or where a tree has been transplanted, or where excavation nearby, especially up slope, leads to drying out of soil profiles closest to the tree/s, the tree/s is to be deep root watered thoroughly at least twice a week. The need for such watering is determined readily by observing the dryness of the soil surface within the dripline of the tree by scraping back some mulch. Mulch to be reinstated afterwards. In the event of disrupted ground or surface water flows to the tree due to excavation, filling or construction, an irrigation system may be required to be installed, consideration must be given to volume, frequency, and drainage of water delivered, and this should be in consultation with a qualified consulting Arborist.
122. If a tree is growing down slope from an excavation, a silt fence located along the contours of the site in the area immediately above the Tree Protection Zone fencing may be need to be installed and regularly maintained to prevent burial and asphyxiation of the roots of the tree. To allow for the maintenance of both fences, the silt fence must be constructed separately to the tree protection fence and the two fences must be constructed independently of each other and stand alone. To reduce competition the Tree Protection Zone is to be kept free of weeds for the duration of the development works.
123. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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.
124. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the residence at 9 Bruce Avenue. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. If the residence has been demolished under a separate approval, no dilapidation report is required.
125. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

- \* Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

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

## **2. Traffic Control Plan(s) for the site**

- \* All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- \* Traffic controllers are to be stationed at the intersection(s) of Bruce Avenue and Greengate Lane and at the bend when construction vehicles are approaching the site from Greengate Lane.
- \* Consideration should be given to using an existing driveway off Bruce avenue for some site access.
- \* Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

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

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

In addition, the plan must address:

- \* Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- \* Minimising construction related traffic movements during school peak periods.

- \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- \* Employee parking is to be provided in the basement as soon as practicable.

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

126. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
127. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
- a) Full road pavement width, including kerb and gutter, of Bruce Avenue over the site frontage.
  - b) All driveway crossings and laybacks opposite the subject site, including rear accesses and fences to Greengate Road properties.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in

written format) *existing* damaged areas on the aforementioned infrastructure so that:

- \* Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- \* Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

128. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and, the works are not to commence until approval has been granted. The designs are to include details of the following:

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

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

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

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

129. An easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
130. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
131. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
  - e. A copy of all works-as-executed plans required under the consent,
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
  - g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

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

132. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.

133. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

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

134. 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.
135. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
136. On completion of the LANDSCAPE WORKS, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.
137. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- \* New concrete footpath along the Bruce Avenue frontage of the site.
  - \* New road pavement and kerb and gutter in accordance with the plans approved by Council under the Roads Act.
  - \* Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - \* Full repair and resealing of any road surface damaged during construction.
  - \* Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

**All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery**

**vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.**

138. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
139. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
140. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b) A copy of any works-as-executed drawings required under this consent
  - c) The Engineer's certification of the as-built system.
- This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
141. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.



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

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

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

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

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

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

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

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

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

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

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

146. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

- a) According the relevant Australian Standards and guidelines, and
- b) According to any approved Geotechnical report undertaken for the development, and

- c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
147. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Davies Geotechnical and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
148. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the residence at 9 Bruce Avenue.

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

#### BUILDING CONDITIONS

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

- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- e. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- f. A Registered Surveyor's Reports confirming approved floor levels for all floors.

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

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

525

**Application for Rezoning 3 to 5 Water Street (Prouille School), 33 to 41 Billyard Avenue (Holy Name Church) & 39 Chilton Parade, Wahroonga (Convent)**

File: S03746

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

**J Sheehan  
Fr C Schivvis  
M Mitchell**

To inform Council of further information provided and to consider the preparation of a Draft Local Environmental Plan for the rezoning of Church / School / Convent lands at 3 to 5 Water Street (Prouille School), 33 to 41 Billyard Avenue (Holy Name Church and Seminary) and 39 Chilton Parade, Wahroonga (Convent).

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

- A. That a Draft Local Environmental Plan for Church lands at 3 to 5 Water Street, 33 to 41 Billyard Avenue and 39 Chilton Parade, Wahroonga to rezone the lands 2(c) be prepared.
- B. That the Department of Planning be advised of Council's decision to prepare a Draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.
- C. That when prepared, the Draft Local Environmental Plan be placed on public exhibition in accordance with statutory requirements for public comment.

- D. That a report be brought back to Council at the end of the exhibition period for Council's consideration of submissions.
- E. That an independent heritage assessment be undertaken for the Prouille School administration building at "Dinorah", 5 Water Street, Wahroonga and a report be brought back to Council in February 2006 prior to exhibition of the draft LEP.

**CARRIED UNANIMOUSLY**

526

## **2 Wirra Close, St Ives - Consideration of Heritage Status**

File: P63399

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

**H Gordon**

For Council to consider the heritage status of 2 Wirra Close, St Ives in Schedule 7 (Heritage Items) of the Ku-ring-gai Planning Scheme Ordinance, following a site inspection held on 5 November 2005.

**Resolved:**

(Moved: Councillors Bennett/Cross)

- A. That the property at 2 Wirra Close, St Ives remains listed as a property of Heritage Significance in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.
- B. That the property owners be notified of Council's decision.

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

*Against the Resolution:    Councillors Lane & Ryan*

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

*(Moved: Councillors Hall/Ryan)*

That Council defer consideration of the matter for another independent heritage consultant's advice including an internal inspection and an examination of the roof.

527 **Council Meeting Cycle for 2006**

File: S02355

To consider amending the Council Meeting Cycle for 2006 because of school holidays, public holidays and the Christmas Recess.

**Resolved:**

(Moved: Councillors Shelley/Innes)

## A. That Council amend its meeting cycle for 2006, as follows:

4 April 2006	Ordinary Meeting of Council	
25 April 2006	Ordinary Meeting of Council	(transferred to 4 April 06)
11 July 2006	Ordinary Meeting of Council	(transferred to 18 July 2006)
18 July 2006	Ordinary Meeting of Council	
25 July 2006	Ordinary Meeting of Council	
10 October 2006	Ordinary Meeting of Council	(transferred to 17 October 2006)
17 October 2006	Ordinary Meeting of Council	
24 October 2006	Ordinary Meeting of Council	
5 December 2006	Ordinary Meeting of Council	
12 December 2006	Ordinary Meeting of Council	

## B. That the first meeting for 2007 be held on 6 February 2007 and the normal meeting cycle resume on 27 February 2007.

**CARRIED UNANIMOUSLY**

**Councillors Ebbeck & Ryan withdrew**

528 **Early Childhood Centre Agreements**

File: S04526

To consider the granting of a licence for occupation of the premises at 11 to 21 Cowan Road, St. Ives, and a lease for Unit 1, 12 to 18 Tryon Road, Lindfield to Northern Sydney Central Coast Health (NSCCH) for the continued operation of Early Childhood Centres.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That the matter be considered in Closed Session at the end of the Council Meeting.

**CARRIED UNANIMOUSLY**

*At 11.50pm a Motion was moved  
by Councillors Innes & Shelley which was put to the vote to  
Continue until Business is completed*

*For the Resolution: The Mayor, Councillor E Malicki, Councillors  
Andrew, Cross, Innes & Shelley*

*Against the Resolution: Councillors Bennett, Hall & Lane*

529 **Bushwalking Tracks for Seniors**

File: S03488

**Councillors Ebbeck & Ryan returned  
during discussion**

To report to Council on the recreational opportunities in Council bushland for seniors.

**Resolved:**

(Moved: Councillors Hall/Cross)

- A. That Council receive and note the report.
- B. That Council endorse the track upgrade and management hierarchy, as amended, by including the Bungaroo Track at St Ives.
- C. That the works be considered in the 2006/2007 Capital Works Program.

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

530 **Options for Council Ward Changes, Councillor Numbers & Method of  
Mayoral Election**

Files: S03733, S03662

**Notice of Rescission from Councillors I Cross, N Ebbeck & T Hall dated  
23 November 2005.**

"We, the undersigned, hereby rescind that part of the Council's Resolution "C" of Item GB.19 which resolved to conduct the constitutional referendum at the next Local Government Elections and is hereby rescinded."

**Motion:**

(Moved: Councillors Ebbeck/Cross)

That the above Notice of Rescission, as printed, be adopted.

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

*Against the Motion: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Innes & Shelley*

*The voting being EQUAL, the Mayor exercised her Casting Vote  
AGAINST the Motion*

The Notice of Rescission, when put to the vote, was LOST.

531

**SEPP53 Exemption for St Ives**

File: S03309

**Notice of Motion from Councillor L Bennett dated 25 November 2005.**

When LEP 194 was gazetted streets within the Stage 1 area received exemption from SEPP 53. Although St Ives contributed over 900 dwellings under LEP 194 and LEP 200 not a single street in St Ives received such an exemption. St Ives is the first town centre to be rezoned under Stage 2 and it will provide in excess of a further 900 dwellings. This is in addition to the dual occupancies and SEPP 5's approved since 2000. This suburb has done its bit for urban consolidation. When Council submits the DLEP for the town centre a request for exemption from SEPP 53 for St Ives should be included and justified with reference to the amount of development which has occurred in St Ives and which will occur under the rezonings.

I move:

- "A. That when Council submit the DLEP for St Ives Town Centre to the Minister it also request exemption from SEPP53 for the suburb of St Ives.
- B. That this request be supported with accurate figures of the number of dual occupancies and SEPP5's approved since 2000 (inclusive), the number of additional dwellings rezoned for by LEP 194, LEP 200 and the DLEP for the St Ives Village Centre.
- C. That maps showing the exemption granted under Stage 1 of the RDS and the lack of any such exemption for St Ives be added as supporting documentation."



**Resolved:**

(Moved: Councillors Bennett/Innes AM)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE****532 Turramurra Town Centre Preferred Land Use Options**

File: S04038

Question Without Notice from Councillor N Ebbeck

Could the General Manager provide a detailed list of all extra delays that will be incurred by the resolution of GB Item 14, which fundamentally recommends Option "E"?

**Answer by the Mayor**

The General Manager will report and advise.

**533 Developments in Other Local Government Areas**

File: S03156

Question Without Notice from Councillor G Innes AM

Several months ago, I asked the General Manager a question with respect to advice to residents of developments in adjacent municipalities. The question was prompted by concerns of the 416 Group.

My recollection of the time is that the General Manager advised that the 416 Group's concerns had either just been addressed or were about to be addressed.

I was advised by the 416 Group today that as yet no response has been received from Council. I ask the General Manager, is this advice correct. If it is correct, when should such advice be received to Council and bearing in mind the fact this is the second question on this item, could a report be made available to Councillors as soon as possible?

**Answer by the Mayor**

There will be follow-up and a report by staff.

534     **Cycleways in Ku-ring-gai**

File: S02388, S02777

Question Without Notice from Councillor T Hall

I refer to a letter in the Sydney Morning Herald of 6 December 2005 by Peter Tuft of West Pymble wherein he states "that this area received next to nothing from the RTA".

Will the Director Technical Services confirm that since the implementation of the Stage Government's Bike Plan and Cycleways, this Council has expended nearly \$700,000 with RTA Grants on cycle-paths in Ku-ring-gai?

**Answer by the Mayor**

The Director will respond.

535     **Stage 2 RDS Program**

File: S04038

Question Without Notice from Councillor T Hall

Madam Mayor, would you confirm whether any representations were made by you or another person in this Council to seek an extension of the Town Centre Stage 2 Program including Turramurra Town Centre from a 2006 completion to 2008, please?

**Answer by the Mayor**

No request was made by me, Councillor Hall.

**Answer by the General Manager**

I am not aware of any requests by any staff member to do that.

536     **Turramurra Town Centre Preferred Land Use Options - Detail of Additional Costs Incurred**

File: S04038

Question Without Notice from Councillor A Ryan

In line with Councillor Ebbeck's Question Without Notice, could the General Manager also include in that report, details of additional costs incurred by Council's resolution in relation to GB.14?

**Answer by the Mayor**

The General Manager will report and advise.

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

The next Inspections Committee will take place on Saturday, 10 December 2005 to view the following property:

25A, 27 & 29 Lorne Avenue, Killara

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

537

**Early Childhood Centre Agreements**

*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: S04526

To consider the granting of a licence for occupation of the premises at 11 to 21 Cowan Road, St. Ives, and a lease for Unit 1, 12 to 18 Tryon Road, Lindfield to Northern Sydney Central Coast Health (NSCCH) for the continued operation of Early Childhood Centres.

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That appropriate agreements based on the rental phasing recommended in this report, be granted to the Northern Sydney Central Coast Health for the occupation of the relevant premises for a term of up to five (5) years.
- B. That any approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary documents.
- D. That the Council Seal be affixed to the agreements.

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

*Against the Resolution:   Councillor Bennett*

*To Open Council*

The General Manager adverted to the consideration of the matter referred to in the Minute numbered 537, and to the resolution contained in such Minute.

*The Meeting closed at 12.40am*

The Minutes of the Ordinary Meeting of Council held on 6 December 2005 (Pages 1 - 108) were confirmed as a full and accurate record of proceedings on 13 December 2005.

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General Manager

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Mayor / Chairperson