

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 6 FEBRUARY 2007

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

Staff Present: General Manager (John McKee)
Acting Director Finance & Business (John Clark)
Director Development & Regulation (Michael Miocic)
Team Leader - Development Assessment Team - South (Mark Leotta)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

No interest was declared.

A Motion moved by Councillors Ryan and Cross to allow tape recording, including videoing, of the Council Meeting in accordance with Clause 273 of the Local Government (General) Regulations was CARRIED UNANIMOUSLY

1 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Lane)

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

Refer GB.4: **4 Dudley Avenue, Roseville - Modification of Development Consent No 325/04 for Part Demolition of the Existing Dwelling House & Construction of a New Double Storey Dwelling, Carport & Pool -** Memorandum by Director Development & Regulation dated 6 February 2007 & Memorandum by Council's Corporate Lawyer dated 6 February 2007 regarding Confidential attachments to the Report.

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

D Parsons

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items:

Refer MM.1: **Australia Day Honours List 2007**

Refer MM.2: **Citizen of the Year 2007**

Refer GB.3: **5 to 9 Woodside Avenue, Lindfield - Demolition of Existing Structures, Construction of a Residential Flat Building Containing 27 Units, Basement Car Parking & Landscaping -** Memorandum by Director Development & Regulation dated 6 February 2007.

Refer GB.4: **4 Dudley Avenue, Roseville - Modification of Development Consent No 325/04 for Part Demolition of the Existing Dwelling House & Construction of a New Double Storey Dwelling, Carport & Pool -** Memorandum by Director Development & Regulation dated 1 February 2007 advising of the Plan No that was omitted from the first paragraph of the Recommendation on Page 174 of the Business Paper.

Memorandum by Director Development & Regulation dated 6 February 2007 regarding a submission from the Applicant/Owner, Mr Ivo Porfiri.

Confidential Memorandum by Director Development & Regulation dated 6 February 2007.

Confidential Memorandum by Council's Corporate Lawyer dated 6 February 2007 regarding Confidential attachments to the Report.

Refer GB.11: **8th International Cities, Town Centres & Communities Conference -**
Report by the General Manager & the Senior Governance Officer dated
1 February 2006.

CONFIRMATION OF MINUTES

2 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 12 December 2006
Minutes numbered 503 to 543

Resolved:

(Moved: Councillors Cross/Hall)

That Minutes numbered 503 to 543 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with it being noted that the LOST Amendment for Minute No 527 should read as follows:

(Moved: Councillors Ryan/Malicki)

- A. That the minutes of the Companion Animals Advisory Committee meeting held on 22 November 2006 be received and noted.*
- B. That **Council notes** the Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire.*

CARRIED UNANIMOUSLY

3 Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 18 December 2006
Minutes numbered EMC22 to EMC23

Resolved:

(Moved: Councillors Ryan/Lane)

That Minutes numbered EMC22 to EMC23 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

4 Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 19 December 2006
Minutes numbered EMC24

Resolved:

(Moved: Councillors Ryan/Bennett)

- A. That Minutes numbered EMC24 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.
- B. That confirmation of Part A(i) (LOST AMENDMENT) be deferred to allow confirmation of the Mover and Seconder of the Amendment.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR**5 Citizens of the Year 2007**

File: S04885

I am proud to inform you of the winners of the 2007 Ku-ring-gai Citizens of the Year Awards, which I had great pleasure in announcing at Council's Australia Day celebrations at Bicentennial Park.

These awards acknowledge the generous spirit of some of the Ku-ring-gai citizens who have made an outstanding contribution to their community.

The awards were presented in four categories: Ku-ring-gai Young Citizen of the Year and Outstanding Service to the Community – individual and group, and Ku-ring-gai Citizen of the Year.

Young Citizen of the Year

Ku-ring-gai's Young Citizen on the Year is recent Hornsby Girls' High School graduate, 18-year-old Fiona Campbell.

Ms Campbell is a student of the world, embracing different cultures and immersing herself in diverse languages. Through school exchange programs, she has lived and studied in France and Germany, and has hosted students from Germany and Japan.

The Lindfield resident devotes her time to charity work, raising money for the Starlight Foundation and Red Cross and was the winner of the ZONTA International Young Women in Public Affairs Award in 2006.

Outstanding Service to the Community (Individual)

Ku-ring-gai's Outstanding Service to the Community (Individual) award went to St Ives resident Graeme Kennan for his dedication to developing rugby in Ku-ring-gai.

President of St Ives Rugby Club for the past 20 years, Mr Kennan's passion and vision for the game has seen the club grow to become one of the largest suburban junior rugby clubs in Australia.

Outstanding Service to the Community (Group)

One of Ku-ring-gai's biggest and most active community groups, the Ku-ring-gai Philharmonic Orchestra, received the Outstanding Service to the Community (Group) award.

The orchestra has been serving the community for over 35 years, providing regular performance opportunities to Ku-ring-gai musicians and raising money for local charities. In 2006, 125 musicians of all ages volunteered their talents and skills to the orchestra, making it one of the most community-focused and innovative orchestras in Australia.

Citizen of the Year

The 2007 Ku-ring-gai Citizen of the Year is 88-year-old Lindfield resident, Mrs Anne-Marie Stuart, who has devoted over 40 years to tirelessly volunteering her time to the Ku-ring-gai Old People's Welfare Association (KOPWA) and the Ku-ring-gai Meals on Wheels Service.

A founding member of both organisations, Mrs Stuart continues to give up her time to ensure the welfare of elderly people in Ku-ring-gai. She currently is a board member of both organisations.

I now have great pleasure in presenting our Citizen of the Year certificate to Mrs Stuart, who has kindly joined us for the occasion tonight.

All the award winners are exceptional people who have given their time and energy to causes and organisations that directly benefit the Ku-ring-gai community.

Ku-ring-gai has so many citizens who deserve to be recognised for their efforts. On behalf of Council, I congratulate all the nominees and winners for their personal achievements and outstanding contributions to Ku-ring-gai.

Resolved:

- A. That Council acknowledge the outstanding contribution made by these recipients of the 2007 Citizen of the Year Awards.

- B. That the Mayor write to each of the recipients on behalf of Council and the people of Ku-ring-gai congratulating them on their awards.

CARRIED UNANIMOUSLY

6

Australia Day Honours 2007

File: S04885

I am pleased to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been awarded 2007 Australia Day Honours.

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

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

IAN CARROLL of Killara

For service to the community through a range of educational, sporting, social welfare and cultural organisations.

VALDA CORBETT of Turramurra

For service to the community, particularly through the 40 Hour Famine for World Vision Australia.

MARTIN DUNN of Wahroonga

For service to the profession of dental prosthetics, particularly as a contributor in the area of skills development.

WILLIAM HILL of Warrawee

For service to youth philanthropic support for the scouting movement.

GREGORY JOHNSON of Killara

For service to education through the Australian International School in Singapore, and to business and finance.

JOHN MAHER of Turramurra

For outstanding public service to the construction industry, in particular the development of the Sydney transport infrastructure.

GILLIAN MOORE of Pymble

For service to education, particularly as Principal of Pymble Ladies' College, by fostering academic excellence and student participation across a range of sporting and arts activities, and as a major contributor to the independent schools' sector.

GEORGE PAPALLO of St Ives

For service to adult education and to the community of Ryde.

JOHN RIDGE of Wahroonga

For service to the information technology industry, particularly through the promotion and development of professional organisations and the creation of educational opportunities.

GEOFFREY ROBB of Roseville

For achievements in mountaineering and as a fundraiser for charitable organisations.

DENNIS TURNER of Roseville

For service to management education, and to the community through contributions to economic research and charitable organisations.

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

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

Resolved:

That Council acknowledge the outstanding contribution made by these recipients of 2007 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.

CARRIED UNANIMOUSLY

PETITIONS

7

Lindfield Petition to Oppose the 'Sale' of Our Community Land & Massive Over-Planning - (Six Hundred & Twelve [612] Signatures)

File: S04350

"We, the undersigned strongly oppose our Council reclassifying or selling of our public land.

We want to retain & upgrade our Lindfield Library, Senior Citizens Resource Centre, Ku-ring-gai Old Peoples Welfare Association (KOPWA) residences, two tennis courts and parkland at the present site. We do not want our FREE community car parks reclassified and sold to commercial operators for underground parking stations.

We want to retain the character and village atmosphere of Lindfield, and for new development to be in keeping with our National Trust urban conservation areas & our historic North Shore Railway Line.

We DO NOT support Ku-ring-gai Council's massive over-planning. Under the State Government's Metro-strategy guidelines, Ku-ring-gai should only take up to 10,000 dwellings, NOT 16,000".

Resolved:

(Moved: Councillors Shelley/Anderson)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

8

18 Kanoona Avenue, St Ives - Attached Dual Occupancy

File: DA0558/06

Ward: St Ives

Applicant: AKSA Property Developments Pty Ltd c/- Glendinning Minto & Associates

Owner: AKSA Property Developments Pty Ltd

To determine development application No.558/06 for demolition of an existing dwelling and construction of an attached dual occupancy development.

Resolved:

(Moved: Councillors Bennett/Malicki)

- A. That consideration of DA558/06 at 18 Kanoona Avenue, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

9

Investment & Loan Liability as at 30 November 2006

File: S02722

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

Resolved:

(Moved: Councillors Shelley/Ryan)

That the summary of investments and loan liabilities for November 2006 be received and noted.

CARRIED UNANIMOUSLY

10

Investment & Loan Liability as at 31 December 2006

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File: S02722

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

Resolved:

(Moved: Councillors Shelley/Ryan)

That the summary of investments and loan liabilities for December 2006 be received and noted.

CARRIED UNANIMOUSLY

11

Environmental Levy Programs Committee - Minutes of Meeting held Tuesday, 28 November 2006

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File: S04078

To bring to the attention of Council the proceedings from the Environmental Levy Programs Committee meeting held on Tuesday, 28 November 2006.

Resolved:

(Moved: Councillors Shelley/Lane)

That the Minutes of the Environmental Levy Program Committee meeting of Tuesday, 28 November 2006 and attachments be received and noted.

CARRIED UNANIMOUSLY

12 **Parks, Sport & Recreation Reference Group - Minutes of Meeting of
14 December 2006**

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File: S03447

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 14 December 2006.

Resolved:

(Moved: Councillors Shelley/Malicki)

That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday, 14 December 2006 be received and noted.

CARRIED UNANIMOUSLY

13 **8th International Cities, Town Centres & Communities Conference**

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File: S02812

To advise Council of the 8th International Cities, Town Centres and Communities Conference.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That approval be granted for Councillor Andrew to attend the 8th International Cities, Town Centres and Committees Conference.
- B. That a further report be brought back to Council once the Program is available so that Council can determine whether it wishes to send additional delegates to the Conference.

CARRIED UNANIMOUSLY

14 **7 Shelby Road, St Ives - Detached Dual Occupancy**

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File: DA1146/06

Applicant: Harry Charalambous c/- Glendinning Minto & Associates
Owner: Helen Blaxland

The following members of the public addressed Council:

H Charalambous
C Eyre
I Glendinning

To determine development application No.1446/06, which seeks consent for demolition of an existing dwelling and erection of two (2) new dwellings to form a detached dual occupancy.

This matter has been called by Councillors Ebbeck and Hall.

Resolved:

(Moved: Councillors Hall/Bennett)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 1146/06 for a Detached dual occupancy on land at 7 Shelby Rd, St Ives, as shown on plans prepared by Bergstrom Architects Pty Ltd, reference number DA00 Rev C, dated 6 November 2006 and lodged with Council on 10 November 2006, and DA01, DA02 and DA03 Rev D dated 6 November 2006 and lodged with Council on 10 November 2006 for the following reasons:

Streetscape

1. The proposed front setback to Collins Road is inconsistent with the prevailing setback along Collins Road and results in a built form that is incompatible with the surrounding environment

Particulars:

- a. The proposed front setback of 4.4 metres of Dwelling A to Collins Road is incongruent with adjoining development. The proposed development does not have a harmonious relationship with adjoining development and will dominate the streetscape.
- b. The proposed front setback and excessive hard surface area in the front setback of Dwelling A prevents suitable canopy tree planting and is not in keeping with the landscape character of the locality.
- c. The proposal is inconsistent with the aims of SEPP 53 as outlined in clause 1(d).
- d. The proposal fails to be of good design and is inconsistent with clause 32(a) of SEPP 53.
- e. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 - clauses 1(a) and (b) of the Ku-ring-gai Planning Scheme Ordinance.

2. The proposal will result in a development with a bulk and scale that is excessive and inconsistent with the built form of the surrounding environment.

Particulars:

- a. The proposed development is excessively bulky as it does not provide adequate setbacks which increase with wall height. In particular, the proposal is overbearing in scale and does not articulate the corner site and relate to surrounding development. The excessive bulk of the proposed development is exacerbated by its prominent corner site location.

- b. The proposed 1.5 metres side setback of Dwelling A to the southern boundary does not allow sufficient area for landscaping to soften the bulk of the proposed two (2) storey dwelling.
 - c. The proposal is inconsistent with the aim of SEPP 53 as outlined in clause 1(d).
 - d. The proposal fails to be of good design by being inconsistent with clauses 32(a) and (h) of SEPP 53.
 - c. The proposal is inconsistent with the general aims and objectives for residential zones, as outlined in Schedule 9 - clauses 1(a) and (b) of the Ku-ring-gai Planning Scheme Ordinance and the specific aim as outlined in clause 2(e).
3. The proposal is unacceptable with regard to engineering issues such as stormwater management and vehicular access.

Particulars:

- a. The proposed retaining wall and step over the private easement along the southern boundary of the site are not in the interest of proper stormwater management.
 - b. The proposed side setback of 1.5 metres of Dwelling A to the southern boundary does not allow sufficient access to the underground system.
 - c. The proposal fails to be of good design as it is not in accordance with clauses 32(d) and (f) of SEPP 53.
 - d. The proposed driveway location for Dwelling B does not comply with AS2890.1 (2004).
4. Approval of the proposed dual occupancy would create an unacceptable subdivision pattern out of keeping with the remainder of the locality.
5. Approval would create an unacceptable conflict with the aims and objectives of Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance.

For the Resolution: Councillors Andrew, Bennett, Cross, Hall, Lane, Malicki, Ryan and Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors and Shelley

15

5 to 9 Woodside Avenue, Lindfield - Demolition of Existing Structures, Construction of a Residential Flat Building containing 27 Units, Basement Car Parking & Landscaping

File: DA1019/06

Ward: Roseville

Applicant: Woodside Avenue Pty Ltd

Owners: Thomas E White Hoes & Priscila Hoes, Samuel Sakker, JRDJ Holdings Pty Ltd

The following members of the public addressed Council:

R Ulrick

R Smyth

To determine development application No.1019/06, which seeks consent for demolition of existing structures, construction of a residential flat building containing 27 units, basement car parking and landscaping.

Resolved:

(Moved: Councillors Shelley/Anderson)

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 Clause 25I (5) and (8) 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 amount of extra height will not result in an undue scale, bulk and form. The additional height will not adversely impact upon the streetscape or the amenity of surrounding sites.

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 1019/06 is consistent with the aims of the Policy, grant development consent to DA 1019/06 for the demolition of existing structures and the construction of a residential flat building on land at 5 to 9 Woodside Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans numbered DA02 and DA03, Issue F (August 2006), DA04 Issue G (August 2006), DA05 Issue H (October 2006), DA06 Issue J (November 2006), DA 07 Issue H (October 2006), DA 08 to DA 11 Issue F (August 2006), DA 12 Issue H (October 2006), DA 13 (January 2007), DA 14 Issue I (October 2006), DA 15 and 16 Issue D (August 2006) and DA 17 E (November 2006), DA 18 E (November 2006) and DA 19 E (January 2007), drawn by Integrated Design Group and Landscape Plans LA01-LA04 Revision K dated December 2006 and drawn by Eco Design, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. 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.
3. 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.

4. 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.

5. 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.
6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
8. To maintain existing ground levels all excavated material shall be removed from the site.
9. 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.
10. Should an electrical substation need to be established on the premises and an area to satisfy Energy Australia's requirements for an electrical substation, such area shall not reduce the deep soil area proposed.
11. 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.
12. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that

direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.

13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

17. 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.

18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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.
21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. 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.
24. 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.

25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
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. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
31. 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.
32. Compliance with the commitments set out in BASIX Certificate No. 34904774, dated 5 September 2006.
33. In order to ensure consistency with the streetscape and the character of the Lindfield Urban Conservation Area, materials of construction and finish shall comply with the sample board submitted to Council with the application.
34. To ensure equity of access in accordance with Council's LEP 194, three (3) of the units are to be designed with accessible features for disabled persons and are to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilets level door handles and taps. Such features are to be designed to comply with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate.
35. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

36. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47). Note that if the retention volume is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement.
37. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. For this site only, a concession down to a minimum of 39m³ above ground storage may be available on the detention volume, due to the area of the site which is subject to overland flow. Note that if the retention volume provided is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
38. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
39. 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.
40. 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.
41. It is the Applicants and contractors full responsibility to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures and excavation are to be sited fully clear of

- any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
42. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.
 43. 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.
 44. 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.
 45. 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.

46. It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road...is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

47. 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.
48. 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".
49. The Applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
50. 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.
51. 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 report prepared by Jeffery and Katauskas and all subsequent geotechnical investigation and inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

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. 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.

52. Removal, or pruning of the following trees from the subject property, is not approved as part of this Development consent:

Tree/ Location

#12 Cupressus sempervirens (Italian Cypress)

Adjacent to Woodside Ave site frontage

#13 Cupressus sempervirens (Italian Cypress)

Adjacent to Woodside Ave site frontage

#16 Lagerstroemia indica (Crepe Myrtle)

Adjacent to Woodside Ave site frontage

#41 Magnolia x soulangiana (Magnolia)

Northern side of building (Woodside Ave frontage)

#42 Camellia japonica (Japanese Camellia)

Adjacent to Woodside Ave site frontage

#44 Magnolia soulangeana (Soul's Magnolia)

Adjacent to Woodside Ave site frontage

#55 Franklinia axillaris (Gordonia)

Adjacent to southwest site boundary

#56 Rothmania globosa (Tree Gardenia)
Adjacent to southern site corner

53. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property and Havilah Road nature strip:

Tree/Location	Tree Works
#14 Chamaecyparis pisifera (Sawarah Cypress) Within proposed building footprint	Removal
#15 Persea americana (Avocado) Within proposed building footprint	Removal
#20 Cyathea australis (Tree Fern) Centrally located on site	Removal
#21 Franklinia axillaris (Gordonia) Centrally located on site	Removal
#22 Washingtonia robusta Centrally located on site	Removal
#23 Washingtonia robusta Centrally located on site	Removal
#24 Franklinia axillaris (Gordonia) Centrally located on site	Removal
#25 Tristaniopsis laurina (Water Gum) Within proposed building footprint	Removal
#26 Camellia sasanqua (Chinese Camellia) Within proposed building footprint	Removal
#27 Camellia sasanqua (Chinese Camellia) Within proposed building footprint	Removal
#28 Citrus spp Adjacent to south-east site boundary	Removal
#29 Macadamia tetraphylla (Macadamia) Adjacent to Havilah Rd site frontage	Removal
#30 Acmena smithii (Lillypilly) Within proposed building footprint	Removal
#31 Acmena smithii (Lillypilly) Within Havilah Rd site frontage	Removal
#32 Acmena smithii (Lillypilly) Adjacent to Havilah Rd site frontage	Removal
#33 Cyathea spp (Tree Fern) Adjacent to eastern site corner	Removal
#34 Cyathea spp (Tree Fern) Adjacent to north-east site boundary	Removal

#35 Cyathea spp (Tree Fern) Adjacent to north-east site boundary	Removal
#36 Livistona chinensis (Fan Palm) Adjacent to north-east site boundary	Removal
#38 Persea americana (Avocado) Adjacent to south-east site boundary	Removal
#39 Callistemon spp (Bottlebrush) Adjacent to south-east site boundary	Removal
#40 Camellia sasanqua (Chinese Camellia) Within proposed building footprint	Removal
#43 Franklinia axillaris (Gordonia) Adjacent to Woodside Ave site boundary	Removal
#45 Chamaecyparis pisifera (Sawara Cypress) Adjacent to Woodside Ave site frontage	Removal
#46 Chamaecyparis pisifera (Sawara Cypress) Adjacent to Woodside Ave site frontage	Removal
#47 Chamaecyparis pisifera (Sarawah Cypress) Adjacent to western site corner	Removal
#54 Livistona australis (Fan Palm) Adjacent to south-west site boundary	Removal
#59 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	Removal
#62 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	Removal

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

Tree/location	Time of inspection
All existing trees located on site being retained	<p>Prior to demolition</p> <p>At the completion of demolition</p> <p>Prior to excavation works</p> <p>At the completion of excavation works</p> <p>Prior to the start of construction works</p> <p>At monthly intervals during construction</p> <p>At the completion of construction works</p>

At the completion of all works
on site

55. Landscape works shall be carried out in accordance with Landscape Drawing No's L-01, L-02, L-03, L-04 Revision K, dated 11/12/06 and L-05 Revision J, dated 17/11/06 by Ecodesign submitted with the Development Application, except as amended by the following:

Additional screen planting is required within the Havilah Road frontage adjacent to the southern boundary to screen the proposed ramps. The additional planting shall be species that attain a minimum mature height of 3 metres.

Tree #43 shall be removed as it is in poor health and replaced with a *Franklinia axillaris* (Gordonia).

The use of white quartz is not permitted. Natural coloured rocks, gravel or mulch shall be used instead.

56. 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

#59 *Jacaranda mimosifolia* (Jacaranda)

Havilah Rd nature strip

#62 *Jacaranda mimosifolia* (Jacaranda)

Havilah Rd nature strip

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

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

Tree/Location

Radius From Trunk

#6 *Eucalyptus sideroxylon* (Mugga Gum)

7.0m

Woodside Ave nature strip

#7 *Eucalyptus sideroxylon* (Mugga Gum)

6.0m

Woodside Ave nature strip

#12 *Cupressus sempervirens* (Italian Cypress)

3.0m

Adjacent to Woodside Ave site frontage

#13 *Cupressus sempervirens* (Italian Cypress)

3.0m

Adjacent to Woodside Ave site frontage

#16 Lagerstroemia indica (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.0m
#17 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#37 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 Camellia japonica (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 Magnolia soulangeana (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 Franklinia axillaris (Gordonia) Adjacent to south-west site boundary	3.5m
#56 Rothmania globosa (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	6.0m
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	4.0m
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m

59. 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
#6 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	7.0m
#7 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	6.0m
#12 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m

#16 Lagerstroemia indica (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 Alnus jorullensis (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#19 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#37 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 Camellia japonica (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 Magnolia soulangeana (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 Franklinia axillaris (Gordonia) Adjacent to south-west site boundary	3.5m
#56 Rothmania globosa (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	6.0m
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	4.0m
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m

60. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
#6 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	7.0m
#7 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	6.0m
#29 Macadamia tetraphylla (Macadamia) Adjacent to Havilah Rd site frontage	2.5m

#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to south-west site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

61. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
62. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Havilah Rd to replenish the existing avenue planting. The tree/s used shall be a minimum 25 litres container size specimen/s trees:

Tree Species	Quantity
<i>Angophora costata</i> (Sydney Red Gum)	2
63. Following removal of Trees #59 & #62, 2 x *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
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.
- 65A. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate of Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
65. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will

be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

66. To maintain streetscape quality for Woodside Avenue and Havilah Road, the overall height of front fencing is not to exceed 1.2 metres above footpath levels, with at least 50% transparency (eg metal grille or timber picket type fences). Details are to be included with the Construction Certificate plans.

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

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

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

69. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

70. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
71. Prior to the issue of a Construction Certificate, the compliance certificate obtained under Section 73 of the Water Board (Corporatisation) Act, must be submitted for verification by the Principal Certifying Authority (PCA).
72. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF 24 ADDITIONAL DWELLINGS IS CURRENTLY \$573,566.21. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Lindfield	\$8,223.35
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons

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

73. 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.
74. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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

75. 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:

The crest required for flood protection has been accommodated in the design,

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.

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

- a. Construct a concrete footpath along the Havilah Road frontage of the site.

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

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

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

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

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

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

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

All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.

A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.

No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

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

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

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

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- 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 the Stormwater Plan 205126 H1 to H3 Issue B by Demlakian Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

80. Prior to issue of the Construction Certificate, a suitably qualified and experienced civil/ hydraulic engineer is to certify that the plans, including the landscape plan, show the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23rd August 2006.
81. Prior to issue of the Construction Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23rd August 2006, have been designed to withstand the forces associated with overland flow.
82. 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.
83. 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.

84. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any of the following trees. A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

The stormwater plan shall indicate the following:

If the services have to be laid beneath the canopy of a protected tree then details of tree protection measures shall be noted on the plan eg, hand digging or thrust boring. The plan shall note that no roots greater than 30mm shall be severed or injured.

The stormwater plan shall be amended to locate the services such that they do not impede the designated Deep Soil Zone, in accordance with LEP194.

Tree/Location	Radius From Trunk
#6 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	7.0m
#7 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	6.0m
#12 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 Lagerstroemia indica (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 Alnus jorullensis (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#37 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 Camellia japonica (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m

#44 Magnolia soulangeana (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 Franklinia axillaris (Gordonia) Adjacent to south-west site boundary	3.5m
#56 Rothmania globosa (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	6.0m
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	4.0m
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m

85. To preserve the following tree/s, footings of the proposed boundary wall/fence along Havilah Rd frontage shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

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

Tree/Location	Radius in Metres
#37 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	6.0m
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	4.0m
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m

86. A cash bond/bank guarantee of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

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

87. 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 Occupation Certificate, provided the trees are undamaged.

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

Tree/Location	Bond Value
#6 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	\$1,000.00
#7 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	\$1,000.00
#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	\$1,000.00
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	\$1,000.00
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	\$1,000.00
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	\$1,000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 87A. In order to maximise privacy for the eastern adjoining dwelling located at No. 11 Woodside Avenue, the east facing bedroom windows of Unit Nos 25, 26 and 27, on the third and fourth storey shall be fitted with opaque or frosted glass, at least to a height of 1.6m above floor level.

88. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier prior to any earthworks or construction commencing.
89. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
90. Following demolition of the dwellings but prior to commencement of bulk excavation, additional geotechnical investigation comprising at least three cored boreholes, is to be carried out. The report of this investigation is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed. Works are to proceed in accordance with the recommendations of this report, including vibration monitoring and excavation support.
91. 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 residences at 3 and 11 Woodside Avenue and 2a Havilah Road. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
92. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a Construction and Traffic Management Plan. The following matters must be specifically addressed in the Plan:

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

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

Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,

The locations of proposed Work Zones in the frontage roadways,

Location of any proposed crane standing areas

A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries

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

The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

Traffic Control Plan(s) for the site:

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

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

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

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

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

In addition, the plan must address:

Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.

A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.

Minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

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

A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

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

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

Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.

All driveway crossings and laybacks opposite the subject site.

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

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

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

Tree/Location	Radius in Metres
#6 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	2.0m
#7 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	2.0m
#12 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	2.0m
#13 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	2.0m
#16 Lagerstroemia indica (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.0m
#17 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#37 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#41 Magnolia x soulangiana (Magnolia) Adjacent to northern side of the building	3.0m
#42 Camellia japonica (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 Magnolia soulangeana (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 Franklinia axillaris (Gordonia) Adjacent to southwest site boundary	3.5m
#56 Rothmania globosa (Tree Gardenia) Adjacent to southern site corner	3.0m

#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	2.0m
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	2.0m
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	2.0m
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	2.0m

96. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

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

- 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.

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

Tree/Location	Radius in Metres
#6 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	7.0m
#7 Eucalyptus sideroxylon (Mugga Gum) Woodside Ave nature strip	6.0m
#12 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 Cupressus sempervirens (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 Lagerstroemia indica (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m

#17 Alnus jorullensis (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#18 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#37 Alnus jorullensis (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#41 Magnolia x soulangiana (Magnolia) Adjacent to northern side of the building	3.0m
#42 Camellia japonica (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 Magnolia soulangeana (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#55 Franklinia axillaris (Gordonia) Adjacent to southwest site boundary	3.5m
#56 Rothmania globosa (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m
#58 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	6.0m
#60 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	4.0m
#61 Jacaranda mimosifolia (Jacaranda) Havilah Rd nature strip	5.0m

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

100. In order to protect the privacy of the eastern adjoining dwelling, No. 11 Woodside Avenue, a 1.8 metres high timber paling or lapped and capped fence shall be provided along the eastern boundary of the site.

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

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

Construction of footpath for the Havilah Road frontage of the development.

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.

102. 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.

103. 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.

104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the flood-proofing structures constructed under another condition of this consent. The terms of the instruments are to require that the structures be maintained in a sound and watertight condition. The Positive Covenant is to be created through an application to the Land Titles Office in the form of a request using form 13PC. The relative location of the structures, 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 covenant must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

105. 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.

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

107. 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.

108. 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 the uses specified on the BASIX Certificate.

That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.

That all 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.

109. 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.
110. Prior to issue of the Occupation Certificate, a suitably qualified and experienced civil/ hydraulic engineer is to certify that the as-constructed development, including the landscaping, complies with the approved Construction Certificate

plans in relation to the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23 August 2006.

111. Prior to issue of the Occupation Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126, 23 August 2006, and the approved Construction Certificate plans, have been constructed to withstand the forces associated with overland flow.
112. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system, and the water quality measures, and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
113. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
 - According the relevant Australian Standards and guidelines, and
 - According to any approved Geotechnical report undertaken for the development, and

In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

114. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas 19646Vrpt, the report submitted prior to commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
115. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:

- a. Residences at 3 and 11 Woodside Avenue and 2a Havilah Road;
Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
All driveway crossings and laybacks opposite the subject site.

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

117. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.
118. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
119. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent with the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

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

Against the Resolution: Councillor Bennett

16 **4 Dudley Avenue, Roseville - Modification of Development Consent No 325/04 for Part Demolition of the Existing Dwelling House & Construction of a New Double Storey Dwelling, Carport & Pool**

File: DA0325/04-3

Ward: Roseville

Applicants: Ivo and Fiona Porfiri

Owners: Ivo and Fiona Porfiri

The following member of the public addressed Council:

I. Glendinning

To determine a section 96(2) modification to development consent No 325/04 proposing to demolish and rebuild the front facade of the existing dwelling (to be retained under the existing consent) and install a panel lift door to the carport.

Resolved:

(Moved: Councillors Shelley/Anderson)

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

THAT Council, as the consent authority, refuse development consent to S96 Modification Application No. 325/04B for demolition of existing front façade, erection of new front façade, and panel lift door to front façade of carport on land at 4 Dudley Road, Roseville, as shown on Plan No 1788/02, for the following reasons:

1. The development is not substantially the same development as that to which consent was originally granted under DA325/04 which was originally applied for as the proposal no longer retains any part of the existing dwelling (as originally approved) but rather becomes the erection of an entirely new dwelling. The proposal fails to satisfy the provisions of Section 96(2) of the act.
2. The standard of information and detail provided on the architectural plans with regard to the panel lift door is of an unsatisfactory standard. In the event of a future application, two doors separated by a central column/pier to provide a more traditional appearance and to break the visual impact of a single door is to be incorporated in the amended plans. A recessive colour such as dark green or red is recommended.

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

Against the Resolution: Councillor Hall

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

(Moved: Councillors Hall/Anderson)

That the matter be deferred to allow discussion of the matter with the applicant.

17

Local Government Managers Association 2007 National Congress

File: S04567

For Council to determine if it wishes to send delegates to the Local Government Managers Association 2007 National Congress.

Resolved:

(Moved: Councillors Bennett/Shelley)

- A. That interested Councillors to a maximum of five delegates, inform the General Manager by 23 February, 2007 of their intention to attend.
- B. That the General Manager or his delegate may attend the Congress.

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

Against the Resolution: Councillor Hall

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

(Moved: Councillors Ryan/Cross)

That the report be received and noted.

18

Environmental Levy Small Grants Scheme - Round Three

File: S04078

To seek Council's support to fund the third round of the community small grants scheme funded by the Environmental Levy.

Councillor Bennett withdrew during discussion

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That Council supports the following applications for funding under round three of the community small grants scheme:

1.	Pinjarra Childcare Centre	\$4,746
2.	Beaumont Road Public School	\$3,633
3.	Department of Medical Entomology (Sydney West Area Health Service)	\$2,221
4.	Permaculture North	\$5,000
5.	Wahroonga Public School	\$5,000
6.	Wombin Reserve Bushcare Group	\$5,000
7.	Dunoon/ Kiparra Bushcare Group	\$3,000
8.	Murrumba Place Bushcare Group	\$5,000
9.	Moore Creek Roseville Bushcare Group	\$3,382
	TOTAL	\$36,982

- B. That the Advisory committee be informed, when considering nominated projects in future, of any grants previously awarded to that project.
- C. That applications which leverage additional funds be identified.

CARRIED UNANIMOUSLY

Councillor Bennett returned

QUESTIONS WITHOUT NOTICE

19

Implications of Current Expenditure for Condition of Local Roads

File: S03847

Question Without Notice from Councillor L Bennett

Assuming expenditure on roads as per the ten year model, what proportion of roads (covered by the Infrastructure Levy) will be of poor (ie lowest) standard in the following years:

2005 (base case)
2008
2011
2014
2017

Answer by the General Manager

The Director Technical Services and Acting Director Finance & Business will investigate and provide a report to Council as soon as possible.

20

Improvement of Poor Quality Roads

File: S03847

Question Without Notice from Councillor L Bennett

Assuming expenditure on roads (covered by the Infrastructure Levy) continues at current rates (indexed), in what year would the proportion of roads in poor condition fall below 10%?

Answer by the General Manager

The Director Technical Services and Acting Director Finance & Business will investigate and provide a report to Council as soon as possible.

Councillors Andrew & Shelley departed

21 **Christmas Recess Delegations**

File: S02017

Question Without Notice from Councillor T Hall

Would the General Manager table in Council the delegations (if any) made during the recent Holiday recess, please?

Answer by the General Manager

The Mayor and I both signed a memo confirming that no delegations were exercised during that period today and I am surprised that the memo is not available but I will chase it up and provide it tomorrow.

22 **Annual Report 2005 to 2006**

File: S02015

Question Without Notice from Councillor T Hall

Could Councillors be provided with a copy of the Report required under Section 428 of the Local Government Act in respect of the year, 2005 to 2006, please?

Answer by the General Manager

Yes, they will.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

An Inspections Committee will be held on Saturday, 10 February 2007 at the following location:

18 Kanoona Avenue, St Ives

The Meeting closed at 9.22pm

The Minutes of the Ordinary Meeting of Council held on 6 February 2007 (Pages 1 - 52) were confirmed as a full and accurate record of proceedings on 27 February 2007.

General Manager

Mayor / Chairperson