

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 7 SEPTEMBER 2004

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

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

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

No such interest was declared.

434 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Cross/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:

- C.1 **48 St Johns Avenue Gordon - Supreme Court Ruling On Drainage Nuisance**
(Section 10A(2)(g) - Advice concerning litigation)

CARRIED UNANIMOUSLY

DOCUMENTS CIRCULATED TO COUNCILLORS

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

- Refers GB.2: 1b Kalang Avenue, Killara – Memorandum from Director
Environment & Regulatory Services and Manager Development
Assessment Services dated 7 September 2004
- Refers GB.3: 154-158 Mona Vale Road, St Ives – Memorandum from Director
Environment & Regulatory Services dated 6 September 2004
- Refers GB.14: Stage 2 Residential Development Strategy – Report from Director
Planning dated 1 September 2004
- Refers C.1: 48 St Johns Avenue, Gordon – Memorandum from Director Technical
Services dated 1 September 2004

CONFIRMATION OF MINUTES

- 435 **Minutes of Ordinary Meeting of Council**
File: S02131
Meeting held 24 August 2004
Minutes numbered 401 to 433

Resolved:

(Moved: Councillors Lane/Ebbeck)

That Minutes numbered 401 to 433 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 430.

CARRIED UNANIMOUSLY

436 **Retirement Villages**

File: S02168

Vide Minute No 430

Resolved:

(Moved: Councillors Hall/Innes)

That Councillor Hall's Business Without Notice be amended to read as follows:

That Council write to all retirement villages and aged housing accommodation developments within the area suggesting that electrical safety trip devices be **installed** voluntarily given the recent findings of the NSW Coroner.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

437 **Ku-ring-gai Philharmonic Orchestra**

File: S02160

On behalf of Ku-ring-gai Council I would like to congratulate the Ku-ring-gai Philharmonic Orchestra for being voted Australia's Community Orchestra of the Year for the second time in three years.

This is a great achievement that reflects the orchestra's high standard of musicianship and innovation under the guidance of its artistic director and chief conductor, Henryk Pisarek.

The award – which was announced last week at the Orchestras of Australia conference in Brisbane – provides recognition to the 100 or so volunteer musicians who make up the orchestra.

It also recognises the orchestra's success in giving new opportunities for young Australian musicians, conductors and composers, and providing innovative and affordable concerts.

The orchestra clearly enriches the cultural life of Ku-ring-gai and is a wonderful ambassador for our local community.

Resolved:

That this Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

438

1B Kalang Avenue, Killara - Detached Dual Occupancy

File: DA564/03

Ward: Gordon

Applicant: Lynne & Tao De Haas

Owner: Lynne & Tao De Haas

Determination of a DA for construction of a new detached dual occupancy dwelling involving site landscaping, removal of an existing pool/decking and construction of a detached garage accessible from Illeroy Avenue in accordance with SEPP53.

Resolved:

(Moved: Councillor Lane/Mayor, Councillor Ryan)

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

That the Council, as the consent authority, grant development consent to DA 564/03 for demolition of the existing pool, construction of a new dwelling as a detached dual occupancy with new detached garage with car parking for 4 vehicles and the consolidation of Lot 52 DP 17647 and Lot 11 DP619620 at Lot 52 DP 17647 and Lot 11 DP 619620 (No. 1B) Kalang Avenue, Killara, for a period of 2 years, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No. 564/03 lodged with Council on 13 May 2003 and development application plans prepared by Australian Construction Partners Pty Ltd, Reference Drawing No's 020310-A, 020311-C, 020312-A, 020313-C, 020315-A dated 5 March 2003. Drainage Drawing No's 0307-1, 0307-2 dated May 2003 by Ian Young & Associates Pty Ltd. Landscape Drawing No's L2 & L3 dated October 2003 by Wallman Partners Pty Ltd, Geotechnical Report by Douglas Partners dated 26 February 2004, Arborist Report by Footprint Green received by Council 16 October 2003, and Statement of Environmental Effects by Australian Construction Partners Pty Ltd dated April 2003, except as amended by the following conditions:
2. All works to comply with the provisions of the Building Code of Australia.
3. Lot 52, DP 17647 is to be consolidated with Lot 11, DP 619620. The Registered Linen Plan is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

5. All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse and to minimise adverse impacts on aquatic and riparian environments.
6. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained, for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse environment. These control measures are to be in accordance with the requirements of Council and best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" Manual (1998) – the 'Blue Book'.
7. The Part 3A Permit from DIPNR is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
8. Rehabilitation of the area in accordance with the 3A Permit Conditions or any direction from DIPNR is the responsibility of the Permit holder and owner or occupier of the land.
9. Work as executed survey plans of a professional standard and including information required by DIPNR shall be provided by DIPNR on request.
10. If, in the opinion of a DIPNR officer, works are carried out in such a manner that they may damage or adversely affect the watercourse environment, the DIPNR officer may issue an oral or written direction to immediately stop all work/s.
11. If any DIPNR Part 3A Permit Conditions are breached, the Permit holder shall restore the site in accordance with the Conditions and any other necessary remedial actions as directed by DIPNR. If any breach of the Part 3A Permit Conditions requires a site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.
12. These Conditions apply only to the works granted on this site, under the subject Development Application.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. Compliance with the general terms of approval issued by the Department of Infrastructure, Planning and Natural Resources.
15. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
16. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.

17. All demolition material of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
18. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
19. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
20. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
21. To ensure structural stability of retaining walls, including measures required to relieve hydrostatic pressure to the boundary retaining wall to No. 1A Kalang Avenue, that may arise through the removal of paving between the boundary to 1A Kalang Avenue and the existing sandstone path within the subject site, engineer's details (in duplicate), prepared by a qualified practicing structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
22. Access for construction purposes associated with this building shall NOT be taken or gained through the adjoining public reserve. Should no alternative access exist, then application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval before the commencement of works.
23. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Sydney Water Coordinator, for details see Sydney Water web-site
www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing 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.

The Section 73 Certificate must be submitted to Council prior to release of the linen plan/occupation of the development.

NOTE - SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

The types of development referred to Sydney Water for a Section 73 Compliance Certificate as a condition of Development Consent are:

- All subdivisions by Torrens, Community, Strata and Stratum Title, and subdivisions for lease purposes (this includes Strata Title conversion to Torrens Title).
- All dual occupancy developments, whether being subdivided as above or remaining un-subdivided.
- All medium density (multi-unit) residential development ie. applications for the erection of buildings. (See EXCLUSIONS for Strata Subdivision).
- All vacant single dwelling development EXCEPT those on lots created by subdivision where an earlier Sydney Water Section 73 Compliance Certificate has been issued. This includes referral of developments where development consent is required for the erection of structures only. For example, existing undeveloped lots created prior to the Local Government Act, existing undeveloped lots previously rated with another lot (eg. Former tennis courts), or the demolition of a single dwelling and construction of separate single dwellings on existing multiple lots.

This referral is required because some lots in established areas may not have been previously issued with a Compliance Certificate at the subdivision stage and therefore may not have direct access to water or sewer services.

- All development on previously publicly owned land. For example: railway lands, or land resulting from road closures.
- All new development of vacant land for industrial and commercial use.
- All industrial and commercial re-development where new building is involved.

All industrial and commercial re-development, where a change in use of existing buildings and facilities may result in increased demand for water and/or the discharge of trade waste water from the premises. The types, which should be referred, are included in the tables below. Other changes of use need not be referred.

24. Without further written consent of Council, the development is to comply with the following indices:

- a. Maximum floor space ratio for the entire development not to exceed 0.35:1
- b. Maximum built-upon area for the entire development not to exceed 40%.
- c. For Lot A maximum floor space ratio not to exceed 30% and a maximum built-upon area not to exceed 32%.
- d. For Lot B maximum floor space ratio not to exceed 37% and a maximum built-upon area not to exceed 44%.

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with these requirements prior to occupation.

25. The applicant shall check any and all matters which may impact on, or prevent, the carrying out of this development in accordance with this consent including the checking of any matter dealing with services including any requirements for their adjustment, placement, provision or removal, and the checking of the title of the subject land to establish if the land is affected by any easements, covenants or restrictions on the use of the land.
26. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
27. 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.
28. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
29. The works shall be erected in conformity with the approved plans and specifications and in accordance with the conditions of approval set out herein
30. 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.
31. For the purpose of safety and amenity of the area, no building materials , plants 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/building, as the case may be.
32. **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 12.00noon. 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.

33. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of work.
34. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
35. To maintain existing ground levels all excavated material shall be removed from the site.
36. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
37. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

38. 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.
39. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Certificate.
40. 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.

41. 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 measured at the nearest adjoining boundary.
42. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
43. Any future separation of title on the property shall be restricted to either Strata Title or Community Title and shall be the subject of a separate development application to Council.
44. Two(2) designated car spaces shall be provided for each dwelling.
45. Adequate lighting is to be provided to all paths, accessways, parking areas and building entries so as to enhance amenity and security around dual occupancy dwellings.
46. All new bathrooms and toilets must be provided with maximum 6/3 litre dual flush cisterns and showerheads with reduced water flow devices.
47. Pollution control shall be carried out in accordance with Council's Draft Water Management Plan DCP 47.

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

48. 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.
49. 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 commencement of the work).

50. 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 the release of the Construction Certificate. 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 any earthworks or construction commencing. 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.
51. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee of \$15.00 for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
52. 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 1 ADDITIONAL DWELLING IS CURRENTLY \$25973.53. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section

94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

53. Thermal insulation shall be provided to external walls, roof and ceiling of the proposed new dwelling. A thermal assessment under Council's Energy Efficiency Housing Policy achieving a summer/winter rating of 60% for the proposed new dwelling or alternatively a NatHERS (or equivalent) certificate with at least a 3.5 star rating is to be submitted prior to the release of the construction certificate.
54. A site/construction management plan is to be prepared showing tree protection areas, machinery usage zones, storage areas and the location of erosion control devices. The plan is to be submitted and approved prior to the release of the construction certificate.
55. A complete waste management plan is to be prepared in accordance with the requirements of DCP 40 – Construction and Demolition Waste Management. The plan is to be submitted and approved prior to the release of the construction certificate.

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

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

57. A *CASH BOND OR BANK GUARANTEE* of \$2000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions .

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

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

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

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

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

Tree/Location

Eucalyptus globoidea (White Stringybark)

Illeroy Ave nature strip

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

59. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

60. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
61. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
62. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
63. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Eucalyptus globoides</i> (White Stringybark)	6.0m
Illeroy Ave nature strip	

64. The tree protection fence shall be constructed of galvanized pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
65. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
66. The roof of the proposed garage adjacent to Illeroy Avenue is to be landscaped and non-trafficable. Details of compliance are to be provided to Council or to the principal certifying authority prior to the issue of the Construction Certificate.
67. For stormwater control all paved areas are to be drained to the main drainage system.
68. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate

from a suitably qualified person is to be submitted to the Principal Certifying Authority.

69. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual.

OSD systems are to be provided for both the existing and the new residence.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

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

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

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

70. The stormwater line to the street shall be by way of a Steel Hot Dipped Galvanised Rectangular Hollow Section, of the appropriate size. This condition shall override any other condition or reference to uPVC pipe connections. This condition shall be ignored if the offset of the subject pipe, is 300mm from the FGL, for its entire length.
71. During construction of the crossing the contractor is to make provision for safety of pedestrians and passing vehicles. As a minimum traffic control measures must be provided in accordance with Figure 1 “Closing a footpath”, (being on Page 20 & 21), of SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1.

The traffic management measures shall be implemented prior to the commencement of any works on-site including excavation.

72. Submission to Council for approval of design documentation for the proposed interallotment drainage system from the existing house to Illeroy Ave. Plans are to be prepared by a suitably qualified and experienced consulting engineer or surveyor in accordance with the requirements of Council’s Stormwater Management Manual and include the following details:
 - a. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
 - b. Longitudinal section showing existing ground levels and proposed invert levels.
 - c. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
 - d. New pipes within the downstream easement drainage system are to be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.
 - e. Demonstration that any existing pipes within the easement system to be utilised, which are not proposed to be reconstructed, have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.
73. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the effected services.
74. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the

Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

75. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
76. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
77. The drainage concept design, by Ian Young & Associates, Drawing No. 0307-1, dated June 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:-
 - i. The OSD system must be provided for both the existing and the new dwelling.
 - ii. The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - iii. Suitable kerbs or other approved “cut off” systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - iv. A boundary pit is to be provided. The interallotment drainage line is to be moved to the east from a point 4.0m from the public Road. This move is to ensure the drainage lines are as far away from the existing trees as possible.
 - v. The stormwater outlet to the street from the Boundary pit to be by way of hot dipped galvanised steel section, of appropriate dimensions.
 - vi. Where OSD storage is by way of underground storage,
 - a) Inflow pipes to the storage chamber are to be located below inspection grates.
 - b) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.
 - vii. Trees to be retained are to be drawn to scale.
 - viii. Drainage design details are to be compatible with the landscaping plans.
 - ix. Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the approval of Council’s landscape officer, can the Construction Certificate be issued.
 - x. The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300 square
Less than 450mm	450 square

Equal to or less than 600mm	600 square
Greater than 600mm	600 x 900

78. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench within the subject property designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

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

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

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

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

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

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front façade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

79. For any new crossing or driveway works adjacent to the boundary the following will apply.
- **DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.
 - Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.
 - The grading of such footpaths or driveways outside the property is to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of

the applicant, and this may be affected by the alignment levels fixed by Council.

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

80. Prior to the issue of the Construction Certificate, longitudinal sections are to be provided along both sides of the proposed driveway from the centreline of the street to the proposed garage/carport, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with AS 2890.1-1993. If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application to Council's Technical Services Department.

Construction Certificate Plans to demonstrate that driveway and accessway gradients will be such that they permit the B99 Vehicle to enter and exit all car spaces on the site without scraping. The clearances for this vehicle are defined in AS 2890.1.

81. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.
82. The property drainage system shall be designed and prepared by a suitably qualified and experienced engineer or surveyor based upon 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

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

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

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

83. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a

suitably qualified and experienced consulting engineer or surveyor and submitted to and approved by the Principal Certifying Authority with the Construction Certificate.

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

85. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
86. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
87. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council’s Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council’s Development Engineer.
88. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

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

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

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

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

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

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

90. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
91. Where a new interallotment drainage line is required, the construction of the proposed interallotment drainage system must be undertaken to the satisfaction of Council's Development Engineer. The works are to be supervised by the

designing engineer, (or surveyor), and certified upon completion that the as-constructed works comply with the approved design documentation and with Council's Stormwater Management Manual. A registered surveyor is to provide a Works-as-executed drawing of the as constructed works and must certify that all drainage structures are wholly contained within the drainage easement(s).

92. The dual occupancy development approved under this determination is to be completed to "lock-up" stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
93. If the OSD is a single system that favours both dwellings a restriction as to user is to be created over the subject land to proportion the responsibility relating to the OSD equally between each of the residences. The responsibility includes (a) maintenance, (b) upkeep and (c) replacement of the OSD system if it deteriorates to be unserviceable after a time.
94. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

95. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.
96. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
97. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.

98. Compliance with the following requirements as detailed in the geotechnical report by Douglas Partners dated 26/02/04:
- (1) Limit the size of the hammer or use low-vibration excavation methods such as rock saws or grinders close to the boundaries;
 - (2) A vibration monitoring trial is to be carried out during the initial excavation to check actual vibration levels from the excavation equipment are within acceptable limits (typically a peak particle velocity of about 5mm/second at the footing level of adjacent residential structures).

BUILDING CONDITIONS

99. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
100. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
101. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.

- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

- 102. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
- 103. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
- 104. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwellings accordance with the following requirements:
 - a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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

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

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

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

106. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

107. Landscape works shall be carried out in accordance with Landscape Drawing No 02:7:2 L2 prepared by Wallman Partners and dated October 2003 submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.

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

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

Tree/Location	Radius From Trunk
<i>Eucalyptus pilularis</i> (Blackbutt)	7.0m
Illeroy Ave nature strip	

110. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Eucalyptus pilularis</i> (Blackbutt) Illeroy Ave nature strip	7.0m

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

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

Tree Species
Corymbia gummifera (Red Bloodwood) x 2

112. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
113. 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.
114. A Dilapidation Report is to be obtained by the applicant, at no cost to surrounding landowners, prior to the issue of the Construction Certificate.
115. A Building Certificate is to be obtained from Council prior to the issue of the Construction Certificate for the existing carport.
116. In order to ensure that the new dwelling achieves a reasonable level of energy efficiency, the ceiling and wall are to lined with appropriate thermal insulation.

CARRIED UNANIMOUSLY

439 **154 to 158 Mona Vale Road, St Ives - Lot Consolidation, Demolition of Existing Structures and Erection of a SEPP (Seniors Living) 2004 Development**

File: DA0378/04

Ward: St Ives

Applicant: Ross Derham, c/o Glendinning Minto & Associates Pty Ltd

Owner: Mr P M & Mrs J M Blazey, RF & JL Derham and Pymble Golf Club

To determine Development Application 378/04 which seeks consent for the consolidation of 3 lots, the demolition of existing structures and the construction of a Seniors Living development.

Resolved:

(Moved: Councillors Hall/Bennett)

That the Council, as the consent authority, grant development consent to DA 378/04 for the consolidation of the three existing lots, the demolition of existing structures and the construction of a SEPP (Seniors Living) 2004 development comprising 9 units on land at 154-158 Mona Vale Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 378/04 and Development Application plans prepared by Barry Rush and Associates Pty Ltd, reference numbers DA1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, dated 19 March 2004 and lodged with Council on 16 April 2004.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
5. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
6. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
7. For safety purposes, depth markers shall be provided at both ends of the pool.

8. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
9. To maintain the existing ground levels all spoil shall be removed from the site. Sites shall not be re-shaped, re-contoured, nor the levels on any part of the site altered without the consent of the Council being obtained beforehand.
10. 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.
11. 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.
12. **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.

13. 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.
14. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
15. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

16. 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.
17. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
18. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
19. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
20. 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.

21. 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.
22. The fence and footings shall be constructed entirely within the boundaries of the property.
23. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
24. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
25. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
26. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

the annoyance, inconvenience, or danger of persons using such public way.

29. 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.
30. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
31. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
32. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
33. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
34. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
35. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
36. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
37. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
38. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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

- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
- 39. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 40. “Peep holes” being provided to the entrance doors of units 7, 8 and 9 for personal security.
- 41. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefitting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
- 42. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
- 43. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
- 44. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 “*Traffic Control Devices for Work on Roads*”. If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
- 45. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
- 46. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements

must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.

47. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
48. 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. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
49. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
50. Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
51. The vehicular crossing is to be a minimum of 6 metres wide, splaying out to 8 metres at the kerblines.
52. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

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

53. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
54. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance

55. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
56. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

No/Tree/Location

1092/*Camellia japonica* (Japanese Camellia) 3metres
Towards the rear of the northern building's southern side.

57. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
58. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
59. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

No/Tree/Location

Radius From Trunk

150/*Nyssa sylvatica* (Tupelo) 3m
Close to and near the southern corner of the site.

155/*Cedrus deodara* (Himalayan Cedar) 6m
Close to the site's central Mona Vale Road boundary.

1027/*Eucalyptus saligna* (Sydney Blue Gum) 6m
Adjacent to the site's Mona Vale Road boundary and towards its eastern corner.

1032/*Nageia falcata* (Outeniqua Yellow Wood) 3m
Adjacent to the site's eastern (front) corner.

1041/*Eucalyptus saligna* (Sydney Blue Gum) 6m
Adjacent to, and towards the eastern end of the site's north-eastern boundary.

1101/*Cedrus deodara* (Himalayan Cedar) 5m
Close to the northern internal corner of Unit 8.

1113/*Araucaria heterophylla* (Norfolk Island Pine) 6m
Close to the northern internal corner between Units 7 and 8.

60. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
61. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along MONA VALE ROAD. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

4 *Angophora floribunda* (Rough barked Apple)
3 *Elaeocarpus reticulatus* (Blueberry Ash)

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

Plant Species

Asparagus densiflorus (Asparagus Fern)
Asparagus plumosus (Climbing Asparagus)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Erigeron karvinskianus (Seaside Daisy)
Hedera helix (English Ivy)
Impatiens balsamina (Impatiens)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Tradescantia albiflora (Wandering Jew)

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.

65. The redundant vehicle crossings are to be removed and kerb and guttering to match the existing is to be reinstated.
66. The development is to be designed such that road traffic noise from Mona Vale Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the following internal noise objectives for all habitable rooms under ventilated conditions are to be achieved, complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A) Leq(15hr) and 40dB(A) Leq (9hr), and
 - Sleeping rooms: 35dB(A) Leq(9hr)
67. Private garages having a power-operated roller door, or a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.
 68. Prior to the issue of the Construction Certificate, the applicant shall submit for approval of the Principal Certifying Authority, documentary evidence demonstrating that the Plan of Consolidation of Lot Part A in DP 337944, Lot 1 in DP 658920 and Lot 1 in DP 613213 has been registered at the Department of Lands.
 69. The rear yard being Communal Open Space.
 - 69A. Leaf guards being provided to all roof guttering so as to assist in preserving the quality of the water to be retained and reused on site.

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

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

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

71. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal

Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

72. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
73. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
74. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF SIX (6) ADDITIONAL DWELLINGS IS CURRENTLY \$72,709.80. The amount of the payment shall be in accordance with the Section 94 charges as at the date of

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

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

75. The garbage area located at the basement level is to comply with the 'Design of waste facilities', Appendix D of Council's Development Control Plan No 40. Details being submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
76. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

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

77. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No

38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character.

The amended plan shall include the following information:

- All proposed species in the plant schedule shall agree with those on the plan.
- All proposed finished floor and ground levels shall agree with those on the architectural plans.
- To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 25% of the tree and shrub plantings shall be selected from the Blue Gum High Forest assemblage of vascular plants (included) as the site is located more than 300 metres from bushland.

The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.

78. The property shall support a minimum number of 19 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
79. The 13 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.
80. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

81. A CASH BOND/BANK GUARANTEE of \$18,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

No/Tree/Location

155/*Cedrus deodara* (Himalayan Cedar)/Close to the site's central Mona Vale Road boundary.

1027/*Eucalyptus saligna* (Sydney Blue Gum)/Adjacent to the site's Mona Vale Road boundary and towards its eastern corner.

1032/*Nageia falcata* (Outeniqua Yellow Wood)/Adjacent to the site's eastern (front) corner.

1041/*Eucalyptus saligna* (Sydney Blue Gum)/Adjacent to, and towards the eastern end of the site's northeastern boundary.

1101/*Cedrus deodara* (Himalayan Cedar)/Close to the northern internal corner of Unit 8.

1113/*Araucaria heterophylla* (Norfolk Island Pine)/Close to the northern internal corner between Units 7 and 8.

82. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority (PCA). These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement parking slab. The driveway profiles must demonstrate the following:

- a. That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- b. That all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

83. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions provided in common areas and within private parking areas comply with the following standards:
- a. The State Environmental Planning Policy for Senior Living (particularly relating to height clearances and space dimensions) and
 - b. Australian Standard 2890.1 – 2004 “Off-street car parking” and
 - c. The 2.5 metres headroom requirement under DCP40 for waste collection trucks (where internal collection is required).
 - d. No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
84. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Council’s Water Management DCP 47 (available on the Council website).
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
86. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components, including stormwater quality control measures. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
87. (Upgrade footpaths and kerb ramps between the subject site and St Ives Shopping Village to comply with AS1428.1, as recommended in the Accessibility Report prepared by Accessibility Solutions dated 8 April 2004).

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

Upgrade footpaths and kerb ramps between the subject site and St Ives Shopping Village to comply with AS1428.1, as recommended in the Accessibility Report prepared by Accessibility Solutions dated 8 April 2004.

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.

88. Prior to the issue of a Construction Certificate the applicant shall lodge a \$10,000 bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed

development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
 - b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
89. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), registered title documents demonstrating that the subject site is benefited by the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system. This information is to include, as a minimum, registered Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s).
90. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:
 - a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
 - b. The contributing catchment calculations and supporting pipe sizing information,
 - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
91. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design shall be generally based on the concept plan 343132/D1 to D3 by AFCE Environment + Building, advanced for construction purposes, except that retention and reuse measures shall be incorporated, as well as water quality

measures as described in Chapter 8 of DCP 47. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.

92. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossing between the property boundary and road alignment must be obtained from Council. The footpath crossing is to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

The design and construction of the layback is to be in accordance with RTA requirements. A detail of this requirement is to be obtained from the Roads and Traffic Authority's Project Services Manager, Traffic Projects Section on (02) 8814 2114. A copy of this detail should be submitted to Council with the driveway levels application.

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

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

- 92A. The elevated paving located on the western side of bedroom 1 of Unit 8 being supported by isolated piers so as to preserve the adjoining cedar tree. Details being submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

- 92B. To ensure that no fill is placed beneath the canopy spread of trees numbered 155, 516 and 517 the adjoining paths shall be suspended above the existing ground. Details are to be included with the amended landscape plan as required by Condition No 77 in the recommendation.
- 92C. The 1800mm high front rendered block wall having its eastern front face which faces Mona Vale Road finished with stone. The existing stone flagging located at the rear of the existing dwellings may be used to finish the wall in stone.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

93. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
94. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
95. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

No/Tree/Location	Radius in Metres
195/ <i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Abutting the site's southeastern (side) boundary.	2m
409/ <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to the site's central northwestern boundary.	3m
516/ <i>Camellia sasanqua</i> (Chinese Camellia) Close to the site's central Mona Vale Road boundary.	3m
517/ <i>Camellia sasanqua</i> (Chinese Camellia) Close to the site's central Mona Vale Road boundary.	3m
1107/ <i>Harpephyllum caffrum</i> (Kaffir Plum) Adjacent to the site's northeastern (side) boundary and towards its northern corner.	3m
1112/ <i>Magnolia x soulangiana</i> (Magnolia) Towards the site's northern (rear) corner.	3m
1122/ <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to the site's northern (rear) corner.	3m
1123/ <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to the site's northwestern boundary and near its	4m

northern (rear) corner.

1127/*Lagerstroemia indica* (Crepe Myrtle) 4m
Adjacent to the site's northwestern boundary and towards its northern (rear) corner.

1128/*Grevillea robusta* (Silky Oak) 7m
Within Pymble Golf Course and towards the site's northern (rear) corner.

96. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed 3 UNIT BUILDINGS, GARAGE ACCESS RAMP, SWIMMING POOL and MONA VALE BOUNDARY FENCE shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

No/Tree/Location	Radius From Trunk
149/ <i>Tibouchina granulosa</i> (Lasiandra) Close to the site's central Mona Vale Road boundary.	2m
150/ <i>Nyssa sylvatica</i> (Tupelo) Close to the site's Mona Vale Road boundary and near its southern corner.	3m
155/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the site's central Mona Vale Road boundary.	6m
1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's Mona Vale Road boundary and towards its eastern corner.	6m
1032/ <i>Nageia falcata</i> (Outeniqua Yellow Wood) Adjacent to the site's eastern (front) corner.	3m
1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to, and towards the eastern end of the site's northeastern boundary.	6m
1092/ <i>Camellia japonica</i> (Japanese Camellia) Towards the rear of the northern building's southern side.	3m
1101/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the northern internal corner of Unit 8.	5m
1113/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) Close to the northern internal corner between Units 7 and 8.	6m

97. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
98. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
99. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works, and prior to issue of the Construction Certificate. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.
101. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control/Parking and Delivery Management Plan. The plan must be prepared by a qualified civil/traffic engineer 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)”. The following matters must be addressed:

Heavy vehicle routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site. During demolition an accredited traffic controller is to assist pedestrians across the vehicular entrance to the site.

Parking control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.

RTA concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan.

Stages

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

NOTE 1: The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

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

- 102. The applicant is to liaise with Council's Open Space Section to arrange for the trimming of vegetation in the Mona Vale Road reserve to improve sight distance for vehicles leaving the site. This work is to be at no cost to Council or the RTA.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 103. Prior to issue of an Occupation Certificate, the following works must be completed:
 - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council and RTA,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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

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

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

105. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):

- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
- c. The Engineer's certification of the as-built system.

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

105. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

106. 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.
107. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
108. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- a. The dimensions of all as-constructed private carparking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b. The as-constructed carpark complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 - Australian Standard 2890.1 - "Off-street car parking", and
 - 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement carpark, and
 - d. The gradients of the constructed access driveway from the public street to the basement carpark are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
 - e. No doors or gates have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
109. Prior to issue of an Occupation Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention/ retention and re-use are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-

Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

110. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500,.3.2, and
- c. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
- b. As built reduced level(s) at the approved point of discharge to the public drainage system.
- c. Gradients of drainage lines, materials and dimensions.

111. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following shall be submitted to the Principal Certifying Authority (PCA):

- a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
112. Prior to issue of the occupation certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.

BUILDING CONDITIONS

113. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
114. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
115. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm.

For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

116. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

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

118. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- f. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.

- g. A Compliance Certificate that the development complies with the relevant design standards of clauses 52(1), 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 & 71 of State Environmental Planning Policy (Seniors Living) 2004.

CARRIED UNANIMOUSLY

440 **261 Mona Vale Road, St Ives - Option to Renew Lease**

File: P52684

To advise Council of St Ives Occasional Care Inc. exercising its option to renew the lease for the premises located at 261 Mona Vale Road, St Ives.

Resolved:

(Moved: Councillors Hall/Bennett)

- A. That Council approve the valid exercise of option and grant a 3 year lease to St Ives Occasional Care Inc. over Council premises at 261 Mona Vale Road, St Ives.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

441 **Nomination For Committees - Parks, Sport & Recreation Reference Group/Bushland, Catchments & Natural Areas Reference Group**

File: S03447, S03448

To select members from the nominations received for the Parks, Sport & Recreation Reference Group and for the Bushland, Catchments and Natural Areas Reference Group.

Resolved:

(Moved: Councillors Ebbeck/Malicki)

- A. That Council resolve to appoint the nominations identified in this report to the Bushland, Catchments & Natural Areas and Parks, Sport & Recreation Reference Groups.

- B. That nominees be advised of their appointment and remaining applicants be thanked for their interest and informed that their details will be kept for further reference and involvement as appropriate.

CARRIED UNANIMOUSLY

442 **30 Lofberg Road, West Pymble - Option to Renew Lease**

File: P64548

To advise Council of Kindergarten Union (KU) Children's Services exercising its option to renew the lease for the premises located at 30 Lofberg Road, West Pymble to operate the West Pymble Pre-school.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council approve the valid exercise of option and grant a 3 year lease to KU Children's Services over Council premises at 30 Lofberg Road, West Pymble.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

443 **West Pymble Bowling Club House Site - Five Year Lease With Two Further Five Year Options - 161-163 Ryde Road, West Pymble**

File: S02710

For Council to consider granting a five year Lease with two further options of five years to the West Pymble Bowling Club Inc located at 161-163 Ryde Road, West Pymble.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council grant a lease to West Pymble Bowling Club Inc for the use of the site known as 161 – 169 Ryde Road, for the term of five years and with two further options of five years at Council's discretion, commencing on the expiration of the public notification of the proposed Lease.

- B. That Council issue a public notice as prescribed by Section 47 of the Local Government Act (1993).
- C. The Council authorise the Mayor and General Manager to sign the documentation.
- D. That Council authorise the affixing of the Common Seal of Council to the lease document.
- E. That a report be brought back to Council if there are significant objections to the proposal in accordance with Section 47 (4-10) of the Local Government Act (1993).

CARRIED UNANIMOUSLY

444 **Telstra/Optus Section 611 Charges**

File: S02433

For Council to consider advice received from Mr Geoffrey Kennett, Barrister regarding the likely outcome of any federal court action regarding a one off compensation claim by Councils against telecommunications carriers.

Resolved:

(Moved: Councillors Malicki/Lane)

- A. That Council resolve to discontinue any proceedings against telecommunications carriers in accordance with advice received from Geoffrey Kennett, Barrister.
- B. That Council write to the Local Government Association of NSW informing them of its decision.

CARRIED UNANIMOUSLY

445 **4 Babbage Road, Roseville - Option to Renew Lease**

File: P33559

To advise Council of Roseville Kids' Care Association exercising its option to renew the licence for the premises located at 4 Babbage Road, Roseville.

Resolved:

(Moved: Councillors Innes/Shelley)

- A. That Council approve the valid exercise of option and grant a 3 year licence to Roseville Kids' Care Association over Council premises at 4 Babbage Road, Roseville.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That Council authorise the affixing of the common seal of Council to the licence agreement.

CARRIED UNANIMOUSLY

446 **60 Coonanbarra Road, Wahroonga - Option to Renew**

File: P39835

To advise Council of Kindergarten Union (KU) Children's Services exercising its option to renew the lease for the premises located at 60 Coonanbarra Road, Wahroonga to operate the Wahroonga Pre-school.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That Council approve the valid exercise of option and grant a 3 year lease to KU Children's Services over Council premises at 60 Coonanbarra Road, Wahroonga.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

447 **Design Competition**

File: S02036

This report responds to a Council request to consider the benefit of a Design Competition as part of the planning for Stage 2 Residential Development Strategy centres.

Resolved:

(Moved: Councillors Lane/Cross)

That Council approach lecturers of urban design courses in Sydney to explore opportunities to have students work on one or more of the commercial centres in Kuring-gai as a student project and consider the incorporation of ideas generated into planning for the relevant centre.

CARRIED UNANIMOUSLY

448 **48 St Johns Avenue, Gordon - Supreme Court Ruling on Drainage Nuisance**

File: P59001
Vide Item C.1

Report by Director Technical Services dated 25 August 2004.

Resolved:

(Moved: Councillor Lane/Mayor, Councillor Ryan)

That Council proceed in accordance with the officer's recommendation.

CARRIED UNANIMOUSLY

449 **Election Of Deputy Mayor For The 2004/2005 Term**

File: S03662

To elect the Deputy Mayor for the period 2004/2005.

Resolved:

(Moved: Councillors Cross/Innes)

That Council elect the Deputy Mayor using the Open Voting method.

CARRIED UNANIMOUSLY

The General Manager announced that there were 3 nominations for the position of Deputy Mayor.

Councillors Shelley, Malicki and Ebbeck were nominated and accepted the nominations.

The General Manager called for a show of hands in the manner resolved.

The vote resulted in 3 votes for Councillor Shelley, 3 votes for Councillor Malicki and 4 votes for Councillor Ebbeck.

In accordance with the Local Government (Elections) Regulations a draw was conducted between Councillors Shelley and Malicki. A member of the public was invited to act as scrutineer.

Councillor Malicki was drawn and excluded, leaving Councillors Shelley and Ebbeck.

The General Manager called for a further show of hands and the vote resulted in 4 votes for Councillor Shelley and 6 votes for Councillor Ebbeck.

The General Manager declared Councillor Ebbeck duly elected to the position of Deputy Mayor for the 2004/2005 period.

The Mayor, Councillor Ryan congratulated Councillor Ebbeck and thanked Councillor Shelley for the work she carried out during her term as Deputy Mayor.

450 **Heritage Advisory Committee**

File: S02152

For Councillors to determine a new Chairperson for the Heritage Advisory Committee.

Resolved:

(Moved: Councillors Cross/Malicki)

- A. That Councillor Bennett be elected as Chairperson of the Heritage Advisory Committee.

(Moved: Councillors Bennett/Innes)

- B. That the consideration of the appointment of Deputy Chairperson of the Heritage Advisory Committee be deferred to a future Council meeting.

CARRIED UNANIMOUSLY

451 **Development Control Plan 56 - Notification**

File: S03673

To obtain a resolution from Council that a Development Control Plan (DCP) for Notification be prepared.

Resolved:

(Moved: Councillors Lane/Hall)

- A. That a new Development Control Plan for Notification be prepared in accordance with provisions of the Environmental Planning & Assessment Act and Regulations.
- B. That the Development Control Plan incorporate a range of notification and advertising provisions appropriate to the different types of development applications received.
- C. That the matter be brought back to Council prior to exhibition.
- D. That the matter be referred to the Planning Committee prior to reporting to Council.

CARRIED UNANIMOUSLY

452 **Stage 2 - Residential Development Strategy**

File: S02921

To outline a proposed approach to the planning of commercial centres and Stage 2 of the Residential Development Strategy.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Stage 2 of the Residential Development Strategy focus on the following centres in priority order: St Ives, Turramurra, Gordon, Pymble, Roseville, Lindfield.
- B. That Council resolve to adopt an integrated approach for each centre in order to improve the viability of each centre.
- C. That Council write to the Minister setting out the centres that will be part of the Residential Development Strategy and setting out the approach to be adopted and timeframe and seek her agreement that this approach and timeframe will satisfy her direction of 27 May 2004.
- D. That Council seek a grant of \$200,000 from the Planning Reform Funding Program.
- E. That Council endorse the consultation strategy as set out in this report.
- F. That Council adopt identified options for meeting the budget shortfall anticipated for Stage 2 of the Residential Development Strategy this year as part of the quarterly review process and budget for the full cost of the Residential Development Strategy in the 2005/2006 budget.

- G. That the Planning Committee be given updates at each of its meetings with respect to progress and issues arising from the Stage 2.

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

Against the Resolution: Councillors Bennett, Cross and Malicki

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

(Moved: Councillors Bennett/Cross)

- A. *That Stage 2 of the Residential Development Strategy focus on the following centres in priority order: Gordon, Turramurra, St Ives, Pymble, Roseville, and Lindfield.*
- B. *That Council resolve to adopt an integrated approach for each centre in order to improve the viability of each centre.*
- C. *That Council write to the Minister setting out the centres that will be part of the Residential Development Strategy and setting out the approach to be adopted and timeframe and seek her agreement that this approach and timeframe will satisfy her direction of 27 May 2004.*
- D. *That Council seek a grant of \$200,000 from the Planning Reform Funding Program.*
- E. *That Council endorse the consultation strategy as set out in this report.*
- F. *That Council adopt identified options for meeting the budget shortfall anticipated for Stage 2 of the Residential Development Strategy this year as part of the quarterly review process and budget for the full cost of the Residential Development Strategy in the 2005/2006 budget.*
- G. *That the Planning Committee be given updates at each of its meetings with respect to progress and issues arising from the Stage 2.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

453

Council Meeting Cycle

File: S02355

Notice of Motion from Councillor G Innes dated 23 August 2004.

I move:

That Council amend its Meeting Cycle to 2 Ordinary meetings per month on the 2nd and 4th Tuesday of each month commencing the 2nd Tuesday of October 2004.

Resolved:

(Moved: Councillors Innes/Hall)

- A. That the above Notice of Motion as amended be adopted.
- B. That the General Manager will ensure that there is a spread of meetings, committees, citizenships etc throughout the month to avoid Councillors having to be at Council three and four nights in any one week and having the next week completely free.

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

Against the Resolution: Councillor Bennett

QUESTIONS WITHOUT NOTICE

454 **Boomerang Street, Turrumurra - Restoration**

File: 88/05163/01

Question Without Notice from Councillor I Cross

To Mr Piconi -

Can Mr Piconi review the condition of Boomerang Street, Turrumurra after the mess created by a service provider?

What can be done to return the Avenue to its original condition?

Answer by the Mayor

That's taken on notice and will report back to you.

455 **Presentation to Council by Exchange Student From Kasaoka-Higashi School, Okayama, Japan**

File: S03726

Question Without Notice from Councillor E Malicki

I received a presentation from a young student, Yuki Tanikawa, who was on exchange from Kasaoka-Higashi in Japan and sponsored by the Lions Club International.

Is there a place in a cabinet at Council where we can keep this flag please?

Answer by the Mayor

There is.

The Meeting closed at 8.08pm

The Minutes of the Ordinary Meeting of Council held on 7 September 2004 (Pages 1 - 64) were confirmed as a full and accurate record of proceedings on 14 September 2004.

General Manager

Mayor / Chairperson