

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 8 NOVEMBER 2005**

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

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Manager Urban Planning (Antony Fabbro)  
Manager Revenue Accounting (David Lethbridge)  
Senior Governance Officer (Geoff O'Rourke)  
Administrative Assistant (Keri Blackman)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

### **ADDRESS THE COUNCIL**

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

P Dodd  
M Inglis  
I Glendinning

## **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:

Councillors Information: Chambers Network Connectivity for Councillors – Memorandum from the General Manager dated 2 November 2005 in answer to a Question Without Notice by Councillor Ebbeck.

2 to 8 Burleigh Street, Lindfield – Site Inspection Minutes of meeting held on Saturday, 5 November 2005.

2 Wirra Close, St Ives – Site Inspection Minutes of meeting held on Saturday, 5 November 2005.

Refer GB.2: 1 to 7 Bruce Avenue & 6 Greengate Lane, Killara – Memorandum from Development Assessment Officer – South (Terri Southwell) dated 2 November 2005.

Refer GB.9: Draft (Heritage Conservation) Local Environmental Plan No 34 – 51 Billyard Avenue, Wahroonga – Memorandum from Manager Urban Planning (Antony Fabbro) dated 8 November 2005

Refer GB.11: Council Submission on Draft Standard LEP – E-mail from Director Open Space (Steven Head).

## **CONFIRMATION OF MINUTES**

### **453 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 18 October 2005

Minutes numbered 430 to 452

### **Resolved:**

(Moved: Councillors Ryan/Innes)

That Minutes numbered 430 to 452 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## MINUTES FROM THE MAYOR

454

### Measures to Reduce Turn Around Times for LEP 194 Applications

File: S02036

One of the issues raised by Mr Sartor when he visited Ku-ring-gai was that he had been informed our processing times for LEP 194 development applications were very lengthy.

Though we were able to correct the advice that the Minister had received on these processing times in a subsequent letter to him, we nevertheless agreed to take steps to reduce our processing times even further for these very complex applications.

A number of suggestions were put to the Planning Committee meeting of 13 October 2005 in order to help reduce our processing times for LEP 194 DA's. These included:

1. Reducing our notification period (currently 30 days).
2. Broadening delegations to allow staff to refuse LEP 194 DA's on merit.
3. Simplifying assessment reports.
4. Increasing landscape referral resources.
5. Reducing internal referral turn-around times.
6. Weekly monitoring of all LEP 194 DA's by Team Leaders, Manager and Director.
7. Reducing the volume of reporting on site inspection issues in supplementary reports.
8. Progressing the review of DCP 55.

All of the above were discussed and the general consensus among Councillors was that apart from 1 (reducing the notification period), each of the measures should be pursued. It was felt by staff and Councillors that notification period is irrelevant in the sense that many assessment processes can occur concurrently with the exhibition period and so it was reasonable to allow our residents the maximum time for comment on the applications. There was also a feeling that the Urban Design Review Panel should not be pursued at this stage as this will most likely add delays to LEP 194 DA processing times.

There was clear support from Councillors for implementing the steps outlined by Director Miocic and it was acknowledged that these processes did not in any way compromise the rights of residents adjacent to the proposals while improving the speed of processing for the applicants.

### Resolved:

- A. I move that the following measures to further reduce processing times for LEP 194 applications be supported:

1. Retention of the current pre DA lodgment meetings to assist applicants to lodge good quality development applications.
  2. That the Director and his staff work on a more succinct LEP 194 assessment report template and assessment guide. This should be completed within two weeks.
  3. That the Director Open Space pursue measures to increase Landscape referral resources for LEP 194 DAs. This should be effected within the next 2-3 weeks.
  4. That guarantees of service for all internal referral response timeframes on LEP 194 DAs will be established. A maximum timeframe of 21 days is considered to be achievable but this will be further discussed with all referral officers.
  5. That a weekly LEP 194 DA status/monitoring meeting be introduced, involving the Assessment Team Leaders, Director and Manager Development Assessment Services. The objective will be to ensure close monitoring of each LEP 194 DA. It will be the Team Leader's responsibility to be fully acquainted with the status, issues and likely completion timeframe for each LEP 194 DA within their team area. The first such meeting will occur at 10.00 am, Thursday 3 November 2005.
  6. A monthly report on progress with reducing processing times for LEP 194 matters will be sent to Mr Sartor's office.
- B. That Council modify the existing delegations, enabling staff to refuse LEP 194 DAs on merit.
- C. That the Minister for Planning, Mr Sartor MP, the Member for Ku-ring-gai, Mr O'Farrell MP and the member for Davidson, Mr Humpherson MP be notified of Council's decision.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

455

### **Safety for Traffic Exiting 5 to 9 & 11 Everton Street, Pymble (Sixteen [16] Signatures)**

File: 88/05429/03

"We would ask you to consider changing the existing NO PARKING restriction on the eastern side of Everton Street adjacent to the roundabout at Pymble Avenue to NO STOPPING.

This area is used by many commuters, with four wheel drives and delivery vans particularly creating a very real danger to cars exiting the above premises. There is no

view of oncoming traffic until the driver is in a very vulnerable position. For traffic exiting the roundabout there is no view or warning of cars exiting the premises.

Perhaps the No Parking (Drop Off Zone) could be moved further to the south of the entrance to 5 to 9 Everton Street."

**Resolved:**

(Moved: Councillors Andrew/Cross)

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

**CARRIED UNANIMOUSLY**

456 **100 to 102 Rosedale Road, St Ives - Need for the Public Acquisition of 1 Hectare of Blue Gum High Forest (Nineteen [19] Signatures)**

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File: S02462

The under mentioned Petition was presented to the Hon Morris Iemma MP, Premier of NSW by members of the Probus Club of Bobbin Head Walking Group:

"We, the undersigned, have just visited the historic and beautiful St Ives Blue Gum High Forest. That such a forest has survived the government land clearance era of the early 1800's and is essentially the same as when Governor Arthur Phillip passed through it in on his first inland expedition in April 1788 is quite remarkable. The forest has been recognized by the Department of Environment and Conservation as critically endangered. It is currently being assessed for State Heritage Listing, as it has proven outstanding historical, cultural and ecological significance.

We understand that a critical 1 hectare of this forest at 100 to 102 Rosedale Road, St Ives still remains in private ownership and is subject to proposed development. The deleterious long term impacts of residential development on this land would be unacceptable in this day and age and would not be in the public interest. If development is approved, the St Ives Blue Gum High Forest will be irreparably damaged and the remarkable forest community will be lost as we know it to future generations.

It is essential this remaining 1 hectare of land is brought into public ownership. Given the immediate threats facing this forest, continued dithering and delay as each level of government claims the responsibility lies with another is unacceptable. It is time Ku-ring-gai Council and the State and Federal government representatives got together to work out a joint funding arrangement for the purchase of this important land."

**Resolved:**

(Moved: Councillors Hall/Bennett)

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

**CARRIED UNANIMOUSLY**

## **PRESENTATION**

Councillor Innes presented an artwork to Council from Lady Game Kindergarten as a "thank you" for the installation of air conditioning in the Kindergarten building.

## **GENERAL BUSINESS**

457     **1 to 7 Bruce Avenue & 6 Greengate Lane, Killara - Demolition of 4 Single Dwellings & 1 Dual Occupancy & Construction of a 5 Storey Residential Flat Building Containing 42 Units, Associated Basement Car Parking & Strata Subdivision**

File: DA0514/05

Ward: Gordon

Applicant: Colonial State Properties P/L

Owners: Energy Australia, Anthony and Joy Kennedy, Laurice Hinder, Simon and Michela Brady, Naomi Upton, Kit Yeung

To determine Development Application No 514/05 which seeks consent for the demolition of 4 single dwellings and 1 dual occupancy and the construction of a 5 storey residential flat building containing 42 units and associated basement car parking.

### **Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That consideration of Development Application No 514/05 at 1 to 7 Bruce Avenue & 6 Greengate Lane, Killara be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

458     **9, 11 & 15 Newhaven Place, St Ives - Demolition of Existing Structures on Site & Construction & Strata Subdivision of a Residential Flat Building Containing 38 Apartments & Basement Parking for 75 Vehicles**

File: DA1425/04

Ward: St Ives

Applicant: De La Vega Architects

Owner: 9 Newhaven Place - R and M Underwood

To determine Development Application No. 1425/04 which seeks consent for the demolition of existing structures on site and construction and strata subdivision of 38 apartments within one building, associated access, basement parking and landscaping.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

- A. That consideration of Development Application No. 1425/04 at 9, 11 & 15 Newhaven Place, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

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

*Against the Resolution:    Councillor Cross*

459      **1405 Pacific Highway, Warrawee - Demolition of Existing Structures,  
Construction of a Residential Flat Building Containing 10 Dwellings & Basement  
Car Parking**

File: DA0706/05

Ward: Wahroonga

Applicant: Bozorg, Baneshjoo & Parsanejad C/- Glendinning Minto & Associates P/L

Owners: Mr Bahram Bozorg, Mrs Mitra Bozorg, Mr Rahim Baneshjoo and Mrs Mahshad Parsanejad

To determine development application No 705/05, which seeks consent for the demolition of an existing dwelling and the construction of a residential flat building containing 10 units, basement car parking and landscaping.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

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 706/05 for demolition of an existing dwellings and construction of a residential flat building and basement car park on land at 1405 Pacific Highway Warrawee, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL**

- 1. The development must be carried out in accordance with plans numbered DA1B, DA2A, DA3A, DA4B, DA5B, DA6A, DA7A, dated 25 October 2005,

drawn by Barry Rush and Associates, and Landscape Plan LP01 and LP02 dated 22 June 2005 drawn by Patio Design and endorsed with Council's approval stamp, except where amended by the following conditions:

2. In order to protect the privacy of northern adjoining properties, the screening measures (glazed screens and landscaped planter boxes) shall be provided to apartments 7 and 10 as indicated on plan DA03 and landscaping plan LP02 (revision A).
3. All building works shall comply with the Building Code of Australia.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. 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.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.



11. 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.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. 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.

14. With regard to the proposed rock breaking the following conditions are to be observed:
  - a. The Geotechnical Engineer shall supervise the works in progress.
  - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
  - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
  - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is

not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.

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

20. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
21. 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.

22. 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.
23. 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.
24. 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.
25. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
26. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
27. The fence and footings shall be constructed entirely within the boundaries of the property.
28. Fire hoses are to be maintained on site during the course of demolition.
29. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
30. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
31. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
32. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system in Winton Street, via the approved site stormwater management system.
33. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall.

If a BASIX Certificate demonstrating a Water score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those commitments.

34. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
35. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
36. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
37. Where required, the adjustment or additions of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
38. All public footways and accessways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
39. 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.

40. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” as a minimum requirement.
41. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
42. 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.
43. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Applicant shall refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
44. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
45. Geotechnical aspects of the development works, particularly excavation and retention must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 19469SPrt dated 3 June 2005) and recommendations made during subsequent construction stage inspections.
46. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
47. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

48. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, if a security grille is to be provided with a concealed button to allow for 24 hour access to the secure basement, then a single action button may be provided in an accessible place and to the satisfaction of Council's Manager Waste Services.
49. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
50. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work; prior to demolition, at completion of demolition works, prior to excavation, at completion of excavation works, at monthly intervals during construction work, at the completion of building works and six months after the completion of all work on site.
51. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate
52. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

<b>Tree/Location</b>	<b>Radius From Trunk</b>
#1 <i>Nyssa sylvatica</i> (Tupelo) Winton St nature strip	3.0m
#7 & 8 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to south east site corner	3.0m
#9 <i>Eucalyptus scoparia</i> (WillowGum) Pacific Hwy nature strip	5.0m
#19 <i>Cupressus 'Bruniana Aurea'</i> (Golden Cypress) Adjacent to southern/Pacific Hwy site boundary	3.0m
#22 <i>Ginkgo biloba</i> (Maidenhair tree) Adjacent to northern site boundary in neighbouring property	5.0m
#27 <i>Lauris nobilis</i> (Bay tree) Adjacent to northern site boundary in neighbouring property	2.5m

53. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
#22 <i>Ginkgo biloba</i> (Maidenhair tree) Adjacent to northern site boundary in neighbouring property	5.0m
#27 <i>Lauris nobilis</i> (Bay tree) Adjacent to northern site boundary in neighbouring property	2.5m

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

Tree/Location	Radius From Trunk
#1 <i>Nyssa sylvatica</i> (Tupelo) Winton St nature strip	3.0m
#22 <i>Ginkgo biloba</i> (Maidenhair tree) Adjacent to northern site boundary in neighbouring property	5.0m

55. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
56. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property as an evenly spaced avenue planting along the Pacific Hwy. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Eucalyptus saligna</i> (Bluegum)	4

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

Tree Species	Quantity
<i>Nyssa sylvatica</i> (Tupelo)	3

58. 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.
59. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

60. 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.

61. 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).
62. 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.
63. 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.
64. 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 EIGHT (8) ADDITIONAL DWELLINGS IS CURRENTLY \$118,103.14. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works- Warrawee	\$4,723.00
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

65. A total of three visitor parking spaces are to be provided. This is to be clearly shown on the Construction Certificate plans.
66. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Alternatively, if a security grille is shown on the plans with a concealed button

for access to the basement, then the button is to be in an accessible position. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).

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

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

70. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above

guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
72. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. If a BASIX Certificate demonstrating a Water score of 40% is submitted to justify some other rainwater re-use regime, then the retention component of site water management is to be in accordance with those commitments. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. Permanent water quality measures are to be provided as required by Chapter 8 of DCP 47.
73. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47. New connection points to the Council drainage system must be shown accurately on the plan and shall be made in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004.
74. The Applicant must carry out the following infrastructure works in the Public Road:
  - \* remove the existing vehicular crossing and provide a suitable transition from the new crossing to the existing crossing to 2B Winton Street;
  - \* construct a new junction pit, kerb inlet pit and possibly lower the existing in-ground pipe or install a new 375mm pipe or appropriate conduit in the road reserve to gain fall for the discharge from the on site detention tank.

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*.

75. 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.

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

<b>Tree/Location</b>	<b>Radius From Trunk</b>
#27 <i>Laurus nobilis</i> (Bay Tree) Adjacent to northern site boundary in neighbouring property	3.0m
#1 <i>Nyssa sylvatica</i> (Tupelo) Winton St nature strip	3.0m

77. The submitted landscape plan LP01Rev A prepared by PATIO and dated 22/06/2005 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- \* Tree numbering is to be consistent with the Arborists report
  - \* Tree #1 *Nyssa sylvatica* (Tupelo) is to be retained.
  - \* The proposed pedestrian entry feature adjacent to the south east corner is to be deleted and the area maintained as soft landscape with the exception of a 1.0m wide pedestrian access path.
  - \* Two *Eucalyptus saligna* (Bluegum) are to be planted in the south-eastern site corner.
  - \* The proposed planting of *Eucalyptus saligna* (Bluegum) in Winton St is to be deleted and replaced with *Nyssa sylvatica* (Tupelo)
  - \* A tall endemic tree species capable of attaining a minimum height of 13.0m is to be planted adjacent to the north east site corner.
  - \* The proposed sandstone benches are to be located immediately adjacent to the proposed 1.0m wide pedestrian paths and the decomposed gravel area deleted and maintained as lawn or planted with appropriate low growing plant species.
  - \* The proposed sandstone steppers within the courtyard of Unit 4 is to be deleted and the area fully planted out with appropriate shrub and groundcover species
  - \* A minimum of four trees capable of attaining a minimum height of 6-8 metres are to be planted adjacent to the northern site boundary.
  - \* A minimum of three trees capable of attaining a minimum height of 6-8 metres are to be planted adjacent to the western site boundary behind the building line.
  - \* The proposed pedestrian footpath adjacent to the northern site boundary, adjacent to and to the west of the basement stairs is to be deleted and the area fully planted with screening shrubs and small trees.
78. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

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

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of

ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

79. A CASH BOND/BANK GUARANTEE of \$4 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

<b>Tree/Location</b>	<b>Bond Value</b>
#1 <i>Nyssa sylvatica</i> (Tupelo) Winton St nature strip	\$2,000.00
#9 <i>Eucalyptus scoparia</i> (Willow Gum) Pacific Hwy nature strip	\$2,000.00

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

80. 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.
81. 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.
82. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
83. 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.
84. Prior to the commencement of any works on site the applicant shall submit to Council a full dilapidation report on the visible (including photos) and structural condition of the following public infrastructure:

- \* Full road pavement width of Winton Street and southbound road pavement of Pacific Highway, both including kerb and gutter, over the site frontage, including the intersection.
- \* All driveway crossings and laybacks in Winton Street opposite the subject site.
- \* The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) existing damaged areas on the aforementioned infrastructure so that:
- \* Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy. The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

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

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

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

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

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

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

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

- \* Light traffic roads and those subject to a load or height limit must be avoided at all times.
- \* A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- \* In addition, the plan must address:
- \* A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- \* Minimising construction related traffic movements during school peak periods.
- \* For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- \* The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.
- \* For traffic and pedestrian amenity purposes, no truck movements shall occur in Pacific Highway, Blytheswood Avenue or Winton Street during school drop off (8am to 9.30am) nor during school collection hours (2.30pm to 4pm).

The principal Certifying authority shall monitor the traffic control and management situation over the course of construction works and shall pay particular attention to traffic control during school drop off and collection hours. Where it is found that the traffic control and management measures may be improved,, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.

The proposed truck route is to be temporarily signposted for the duration of the demolition and construction works to indicate the proposed truck routes.

86. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the residence and brick boundary wall at 2B Winton Street. The report must be



completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council.

87. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
88. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- \* RTA concurrence to the proposed temporary rock anchors.
  - \* How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road.
  - \* That the locations of the rock anchors are registered with Dial Before You Dig.
  - \* That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
  - \* That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
  - \* That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

89. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.
90. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#1 <i>Nyssa sylvatica</i> (Tupelo) Winton St nature strip	3.0m
#7 & 8 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to south east site corner	3.0m
#19 <i>Cupressus 'Brunniana Aurea'</i> (Golden Cypress) Adjacent to southern/Pacific Hwy site boundary	3.0m

91. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
92. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
  1. Tree Protection Zone
  2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
  3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
  4. Name, address, and telephone number of the developer/principal certifying authority.
93. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75%

Eucalyptus leaf litter and 25% wood, The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

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

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

95. 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.
96. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
97. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

- \* Completion of the new driveway crossing in accordance with levels and specifications issued by Council.
  - \* Completion of all new drainage works in accordance with the Council-approved Roads Act plans.
  - \* Completion of all new footpath works in accordance with the Council approved *Roads Act* plans.
  - \* Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - \* Full repair and resealing of any road surface damaged during construction.
  - \* Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
98. 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.

99. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
100. Prior to issue of an Occupation certificate the applicant is to submit to the Principal Certifying Authority documentary evidence of RTA and Council approval for the de-commissioning of any rock anchors which were installed in the Pacific Highway road reserve.
101. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:
- \* That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
  - \* That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.
  - \* That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
  - \* The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
  - \* The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
102. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
- \* As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - \* As built locations of all access pits and grates in the retention systems, including dimensions.
  - \* The achieved capacity of the retention storages and derivative calculations.
  - \* Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
  - \* As built surface and invert levels for all drainage pits and junction points.
  - \* Gradients of drainage lines, materials and sizes.
  - \* As built level(s) at the approved point of discharge to the public drainage system.
  - \* The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to

those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.

103. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
104. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
  - \* A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
  - \* A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
  - \* All Engineer's certifications specified in this consent.
  - \* This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.
105. Prior to occupation or 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 retention/ detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of retention/ detention facilities - 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 issue of an Occupation Certificate. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
106. Prior to issue of the Occupation Certificate an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection. It is assumed that the legal instruments will transfer to any future subdivision plan at the time of registration.
107. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:

- \* Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”
  - \* Adequate headroom of 2.44 metres minimum is provided for access by Council’s waste collection vehicle, and
  - \* No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, unless otherwise approved by Council’s Manager Waste Services, in which case certification is to be provided that the access button is functioning.
108. Prior to issue of the Occupation Certificate the provision of separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.
109. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- \* 2B Winton Street;
  - \* Road reserve and public infrastructure in Winton Street and Pacific Highway.
- The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
110. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
111. Documentary evidence of compliance with the Arborist Report requirements shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
112. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.

113. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

#### BUILDING CONDITIONS

114. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
115. 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.
116. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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.

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

*Against the Resolution:    Councillor Hall*

460      **10A Auluba Road, South Turramurra - Lease Renewal**

File: P33248

To consider the renewal of the lease to KU Children's Services for the occupation of the premises located at 10A Auluba Road, South Turramurra.

**Resolved:**

(Moved: Councillors Ebbeck/Andrew)

- A. That a lease be granted to KU Children's Services for a period of 5 years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the Lease Agreement.

**CARRIED UNANIMOUSLY**



**Draft Local Environmental Plan No 33 (Heritage Conservation) -  
23 Memorial Avenue, St Ives & 4 Munderah Street, Wahroonga**

File: S04422

For Council to consider Draft (Heritage Conservation) Local Environmental Plan No 33 - 23 Memorial Avenue, St and 4 Munderah Street, Wahroonga (DLEP33) following exhibition.

**Resolved:**

(Moved: Councillors Ebbeck/Hall)

- A. That Council adopts Draft (Heritage conservation) Local Environmental Plan No 33 – 23 Memorial Avenue, St Ives and 4 Munderah Street, Wahroonga and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with request that he makes the Plan.
- B. That Council notifies the NSW Heritage Office informing them of Council's decision.
- C. That Council notifies all affected residents of its decision.

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

*Against the Resolution:   Councillor Bennett*

**Draft Local Environmental Plan No 207 - Consideration of Submissions**

File: S04393 P63533

To consider the submissions made in respect of the exhibition of Draft Local Environmental Plan No 207 (DLEP207) and for Council to resolve the manner in which to finalise the Draft Plan.

**Resolved:**

(Moved: Councillors Ryan/Andrew)

- A. That Council adopt Draft Local Environmental Plan 207 as exhibited.

- B. That Draft Local Environmental Plan No 207 as adopted, the Council Planning report and details of submissions be forwarded to the Department of Planning in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979.
- C. That Council request the gazettal of Draft Local Environmental Plan No 207 as adopted.
- D. That all parties who made submissions and those whose lands are the subject of Draft Local Environmental Plan 207 be advised of Council's resolution.

**CARRIED UNANIMOUSLY**

463

**Concessional Green Fees Licence to Gordon Golf Club Limited - Off Peak Course Usage - Access Times**

File: S02141

To advise Council of the result of the public notification procedure and the request from Gordon Golf Club to review the off peak course usage times and fees associated with the licence agreement for concessional green fees.

**Resolved:**

(Moved: Councillors Ryan/Cross)

- A. That Council approve the granting of the licence for concessional green fees for Golf Club members in off peak course usage during Monday to Friday, excluding public holidays at fees and times as detailed in the report.
- B. That the new licence is to commence from the expiration of public notice and coincide with the tenure and expiration of the current lease agreement.
- C. That Council issue a public notice as prescribed by Section 47(A) and 47 of the Local Government Act 1993.
- D. That Council authorise the Mayor and General Manager to sign the documentation should no substantial objections be received following the period of public notice.
- E. That Council authorise the affixing of the common Seal of Council to the licence document.
- F. That a report be brought back to Council if any substantial objections to the proposal are received in accordance with Section 47 (4-10) of the Local Government Act 1993.

**CARRIED UNANIMOUSLY**

*A Motion was moved by Councillors Innes & Shelley  
to hear all items where there are speakers first  
was CARRIED UNANIMOUSLY*

464

**497 to 507 Pacific Highway, Killara - Demolition of Existing Structures & Construction of a Residential Flat Building Comprising Forty (40) Units, Basement Car Parking & Associated Landscaping**

File: DA651/05

Ward: Gordon

Applicant: Killara Pacific Pty Ltd

Owner: C-H & S-H C Ko, S Donellan, Killara Pacific Pty Ltd

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

**B Wexham**

**G Zylber**

**S Schinagel**

To determine Development Application No. 651/05 which seeks consent for the demolition of existing structures, the construction of a residential flat building providing 40 dwellings, including basement parking and landscaping.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. 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 651/05 for the demolition of existing structures on site and the construction of 15 x1 bedroom, 18 x 2 bedroom and 7 x 3 bedroom dwellings within a single building, associated access, basement parking and landscaping on land at 497-507 Pacific Highway, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL**

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

**Architectural Plans**

Dwg. No	Description	Author	Dated	Lodged
DA 01	House basement	Wolski Lycenko & Brecknock Architects	22 June 2005	24 June 2005
DA 02	Basement carpark	Wolski Lycenko & Brecknock Architects	22 June 2005	24 June 2005

DA 03	Ground level	Wolski Lycenko & Brecknock Architects	22 June 2005	24 June 2005
DA 04	Levels 1, 2 and 3	Wolski Lycenko & Brecknock Architects	22 June 2005	24 June 2005
DA 5a	Penthouse level	Wolski Lycenko & Brecknock Architects	20 September 2005	23 September 2005
DA 06a	Elevations	Wolski Lycenko & Brecknock Architects	20 September 2005	23 September 2005
DA 07a	Elevations	Wolski Lycenko & Brecknock Architects	20 September 2005	23 September 2005
DA 08a	Elevation Section	Wolski Lycenko & Brecknock Architects	20 September 2005	23 September 2005

## Landscape Plans

27.05/064 Landscape plan	Ian Jackson Landscape Architect Pty Ltd	June 2005	24 June 2005
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2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority. *(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance).*
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is

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

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

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
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. 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.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

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

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

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. Any fencing and associated footings shall be constructed entirely within the boundaries of the property.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. 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.

23. 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.

24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. 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.
26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. 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.
28. 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.
29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.

30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Fire hoses are to be maintained on site during the course of demolition.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
35. 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.
36. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
37. 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.
38. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
  39. "Peep holes" shall be provided to the entrance doors of all units for personal security.
  40. Compliance with the notations overdrawn on the consent plans.



*Roads and Traffic Authority*

41. The proposed driveway off Pacific Highway shall have a minimum width of 6 metres for a minimum distance of 6 metres within the subject site, splaying out to 8 metres at the kerb line off Pacific Highway.
42. The design and construction of the proposed gutter crossing off Pacific Highway shall be in accordance with RTA requirements.

Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 8814 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval prior to the commencement of any road works.

The developer is to be advised that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

43. The proposed development should be designed, such that road traffic noise from Pacific Highway is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

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

- \* All habitable rooms other than sleeping rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr) and
- \* Sleeping rooms: 35 dB(A) L-eq(9hr)

44. The applicant shall ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
PO Box 558, Blacktown, NSW 2148

A plan checking fee may will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil

Works requirement please contact the RTA's Project Engineer, External Works Ph: 8814 2114 or Fax 88142111.

45. Suitable provision should be made on site for all construction vehicles to prevent vehicles parking or standing on Pacific Highway.
46. Off-street parking associated with the proposed development (including driveway, aisle widths, aisle lengths, parking bay dimensions and sight distances) should be designed in accordance with AS 2890.1 - 2004.
47. Any redundant driveway on Pacific Highway must be removed and kerb and gutter reinstated to match existing.
48. All vehicles are to enter and exit the site in a forward direction.
49. All work associated with the proposed development shall be at no cost to the RTA.

#### *Engineering*

50. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system in the Pacific Hwy, via the stormwater management system on site. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
51. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary delivery plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system is to be 41m<sup>3</sup>, and the prescribed re-use of the water on site, must be toilet flushing (each unit), cold laundry (each unit) and garden irrigation as specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
52. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
53. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel

drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

54. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
55. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
56. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
57. The adjustment or inclusion of any utility service facilities (including relocation of the power and light pole to make way for the new driveway crossing) must be carried out by the applicant in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services, at the appropriate stage of the development (including power, water, phone, gas and the like). It is assumed that the Applicant has considered such matters in the design and Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
58. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to

the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

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

Must be undertaken in accordance with the recommendations of the "Preliminary Geotechnical Investigation Report for Proposed Residential Development at 497 to 507 Pacific Highway, Killara, NSW" by Jeffery

and Katauskas Pty Ltd, reference 19531Vrpt, dated 28 June 2005, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

64. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the “Preliminary Geotechnical Investigation Report for Proposed Residential Development at 497 to 507 Pacific Highway, Killara, NSW” by Jeffery and Katauskas Pty Ltd, reference 19531Vrpt, dated 28 June 2005. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the conducted geotechnical inspection, testing and monitoring programs.

### *Heritage*

65. Colour Scheme

In order to minimise heritage impacts on the neighbouring draft heritage item and the UCA, the applicant is to submit a colour scheme and materials board to be approved by the Heritage Officer's satisfaction. Suggested colours for face brickwork are mid to dark brown and other colours should be neutral to dark tones so that the building appears visually recessive to the streetscape.

66. Demolition of Contributory buildings in UCA – 507 Pacific Highway, Killara

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

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

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

documents such as family records, old photographs should also be included.

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

- \* Each elevation of the house and garage and each interior room of the house and garage.
- \* Photographs of specific details nominated by Council.
- \* All structures on site such as sheds, outhouses and significant landscape features.
- \* Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

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

Digital images and CDs may be submitted as supplementary information.

67. Demolition of a non-heritage item or not in a UCA – Nos 497 & 499 Pacific Highway, Killara

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

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

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

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

- \* Each elevation and selected interiors.
- \* All structures on site such as sheds, outhouses and significant landscape features
- \* Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- \* Title page
- \* Statement of reasons the recording was made
- \* Site plan (survey or sketch) showing all structures and site elements
- \* Sketch of the floor plan showing the location of the camera for each photograph.
- \* Black & White archival quality photography, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

*Landscaping*

68. 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.
69. Landscape works shall be carried out in accordance with Landscape Drawing No 27.05/069 prepared by Ian Jackson Landscape Architects Pty Ltd. and dated June 2005 submitted with the Development Application, except for the following changes:
  - \* The maximum overall height of all courtyard fences including the retaining wall components shall not exceed 1.8 metres above natural ground level.
  - \* Private courtyards along the north-eastern boundary shall be reduced in width by 1.5 metres to ensure a greater amount of common landscaped area for the maintenance of privacy to No.2 Killara Avenue (as noted in red on the approved plans).

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.

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

Tree/Location

*Ficus microcarpa* 'Hillii' (Hill's Fig)  
Adjacent to north west site boundary in neighbouring property

*Quercus robur* (English Oak)  
Adjacent to western/Pacific Hwy site frontage

71. 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.
72. 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
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<i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to north-west site boundary in neighbouring property	9.0m
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<i>Quercus robur</i> (English Oak) Adjacent to western/Pacific Hwy site frontage	5.0m
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73. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at three monthly/quarterly intervals. Documentary evidence of compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Occupation Certificate.
74. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
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<i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to north-west site boundary in neighbouring property	9.0m
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75. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
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<i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to north-west site boundary in neighbouring property	11.0m
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<i>Quercus robur</i> (English Oak)	7.0m
Adjacent to western/Pacific Hwy site frontage	

76. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

<b>Tree/Location</b>	<b>Radius From Trunk</b>
<i>Ficus microcarpa</i> 'Hillii' (Hill's Fig)	9.0m
Adjacent to north-west site boundary in neighbouring property	
<i>Quercus robur</i> (English Oak)	5.0m
Adjacent to western/Pacific Hwy site frontage	

77. 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.
78. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

79. 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.

80. 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).
81. 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.

82. 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.
83. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF THIRTY-SEVEN (37) ADDITIONAL DWELLINGS IS CURRENTLY \$483,246.34. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

#### *Engineering*

84. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
  
85. Prior to issue of the Construction Certificate, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from the Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing. In accordance with RTA requirements, details of the proposed gutter crossing (layback) must be obtained from RTA Project Services Manager, Traffic Projects Section, Blacktown (ph 8814 2144). The driveway crossing is to have a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment.

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

86. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified construction issue parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements - clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
  - a. All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - b. The driveway crossing has a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment (in accordance with RTA requirements).
  - c. A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - d. No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - e. The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.
  
87. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47. The plans may be generally based on the Concept Environmental Site Management Plan, sheet C5(A) of job 343440 by AFCE, dated 20/06/05, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

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

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed to carry for the 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications, contact numbers or equivalent products shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
- Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Concept Stormwater Management Plans, sheets C1(A), C2(A), C3(A) and C4(A) of job 343440 by AFCE, dated 20/06/05, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

89. Prior to the issue of a Construction Certificate the applicant must lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:

- Making good any damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates,

- Completing any works in the public domain that are required in connection with this approval.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development and 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 damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
  - c. Works in the public road associated with the development are to an unacceptable quality.
90. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, power pole relocation, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
91. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

### *Special*

92. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval with the Construction Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices. Certification of compliance with the recommendations contained in the

report shall be submitted to the Principal Certifying Authority prior to the release of the final compliance certificate or occupation certificate. The burden of ongoing maintenance of these noise attenuating measures shall remain with the Managing body of the development.

93. Any exhaust ventilation from the car parks is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate (*Reason: To preserve community health and ensure compliance with acceptable standards*).
94. Four (4) of the proposed apartments are to be designed with accessible features for disabled persons, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standards 1428.1 and 4299. Details demonstrating compliance are to be submitted with the Construction Certificate. (*Reason: To ensure equity of access and availability of accommodation in the future for an ageing population*).
95. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas of the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application. (*Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality*).
96. To maintain the privacy and general amenity of No.2 Killara Avenue, a privacy screen 1.8 metres high shall be erected along the north-east elevation of Unit 37 on the penthouse level. The privacy screen shall span the length of the terrace (approximately 12 metres) as notated in red on approved plan number DA-05a.
97. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
  - c. Wet area waterproofing details complying with the Building Code of Australia.
  - d. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Air-conditioning.
  - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

## *Landscape*

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

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

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

99. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

### *Tree/Location*

<i>Ficus microcarpa</i> 'Hillii' (Hill's Fig)	\$4,000.00
Adjacent to north-west site boundary in neighbouring property	

<i>Quercus robur</i> (English Oak)	\$2,000.00
Adjacent to western/Pacific Hwy site frontage	

100. To preserve the following tree/s, footings of the proposed entry pavillion shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the principal certifying authority or approval prior to release of the Construction Certificate.



**Tree/Location****Radius in Metres**

*Ficus microcarpa* 'Hillii' (Hill's Fig) 9.0m  
Adjacent to north-west site boundary in neighbouring property

*Engineering*

101. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure structures will not be placed across separate titles. Note that Ku-ring-gai Council does **not** necessarily need to endorse lot consolidation plans.
102. Prior to issue of the Construction Certificate, driveway and associated footpath levels for the new driveway crossing between the property boundary and road alignment must be obtained from the Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing. In accordance with RTA requirements, details of the proposed gutter crossing (layback) must be obtained from RTA Project Services Manager, Traffic Projects Section, Blacktown (ph 8814 2144). The driveway crossing is to have a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment.

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

103. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified construction issue parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements - clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a. All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
  - b. The driveway crossing has a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment (in accordance with RTA requirements).
  - c. A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
  - d. No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.
  - e. The vehicle access and accommodation layout is to be constructed in accordance with the certified plans.
104. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47. The plans may be generally based on the Concept Environmental Site Management Plan, sheet C5(A) of job 343440 by AFCE, dated 20/06/05, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.
105. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
  - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing -

- all designed to carry for the 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications, contact numbers or equivalent products shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing/holding facilities/first flush to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
- Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Concept Stormwater Management Plans, sheets C1(A), C2(A), C3(A) and C4(A) of job 343440 by AFCE, dated 20/06/05, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

106. Prior to the issue of a Construction Certificate the applicant must lodge a \$50,000 (fifty thousand dollar) public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:

- Making good any damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates,
- Completing any works in the public domain that are required in connection with this approval.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development and 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 damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
  - c. Works in the public road associated with the development are to an unacceptable quality.
107. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, power pole relocation, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
108. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

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

109. 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.

#### *Landscaping*

110. 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 STRUCTURE 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:

<b>Tree/Location</b>	<b>Radius From Trunk</b>
<i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to north-west site boundary in neighbouring property	9.0m
<i>Quercus robur</i> (English Oak) Adjacent to western/Pacific Hwy site frontage	5.0m

111. 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.
112. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

### *Engineering*

113. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible (including colour photos) and structural condition of all adjacent structures potentially influenced by the works. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavation depth, founding material and boundary offset for the proposal together with the recommendations of the submitted "Preliminary Geotechnical Investigation Report for Proposed Residential Development at 497 to 507 Pacific Highway, Killara, NSW" by Jeffery and Katauskas Pty Ltd, reference 19531Vrpt, dated 28 June 2005 (page 6). The dilapidation report must be verified by all relevant stakeholders. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
114. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

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

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

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

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

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

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

In addition, the plan must address:

- Installation of a “No Stopping” zone over the site frontage to RTA approval.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school drop-off/collection periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.

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

115. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
116. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a colour photographic record**) of the following public infrastructure:
- a) Southbound Pacific Highway road pavement width, including kerb and gutter, over the site frontage, extending 20 metres either side of the frontage.

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

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

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

117. An acoustic report shall be prepared by a suitably qualified person detailing the devices to be fitted and ongoing maintenance required, in

relation to the automatic door to the garage, air-conditioning and car park ventilation system to ensure their operation does not result in the emission of noise in excess of 5dB(A) above background measured at the nearest residential property boundary. The report shall be provided for approval prior to the release of the Occupation Certificate or final Compliance Certificate and shall include recommendations with regard to the ongoing maintenance of the noise attenuating devices.

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

118. 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.

#### *Engineering*

119. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing and layback in accordance with levels and specifications issued by Council and RTA.
  - Removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
  - Full repair and resealing of any road surface damaged during construction.
  - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

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

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



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

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

121. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
122. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
  - a. That the as-constructed carpark complies with the approved Construction Certificate plans,
  - b. That the driveway crossing has a minimum width of 6 metres for a minimum distance of 6 metres into the property, splaying out to 8 metres at the kerb alignment.
  - c. That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
  - d. That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
  - e. That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
  - f. That the vehicular headroom requirements of:
    - Australian Standard 2890.1 - “Off-street car parking”,
    - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
123. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification (based on the site inspection) for the approval of the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

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

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

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
  - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
124. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
  - Gradients of drainage lines, materials and dimensions.
  - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
  - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
  - The achieved storage volumes of the installed retention and detention storages and derivative calculations.
  - As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
  - The size of the orifice or control fitted to any on-site detention system.
  - Dimensions of the discharge control pit and access grates.
  - The maximum depth of storage possible over the outlet control.

- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

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

125. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
126. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation, inspection, monitoring and construction for the basement levels have been carried out:
  - a. According the relevant Australian Standards and guidelines, and
  - b. According to the recommendations of the Geotechnical report and subsequent geotechnical inspections undertaken for the development, and
  - c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
127. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring as specified in the "Preliminary Geotechnical Investigation Report for Proposed Residential Development at 497 to 507 Pacific Highway, Killara, NSW" by Jeffery and Katauskas Pty Ltd, reference 19531Vrpt, dated 28 June 2005, and the professional geotechnical input over the course of the works, must be compiled in report format and be submitted to the Principal Certifying Authority for approval.

#### *Landscaping*

128. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
129. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

#### **BUILDING CONDITIONS**

130. 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.

131. 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.
132. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

<b>Risers:</b>	<b>Maximum 190mm</b>	<b>Minimum 115mm</b>
<b>Going (Treads):</b>	<b>Maximum 355mm</b>	<b>Minimum 240mm</b>

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.

133. 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.

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

- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Storm-water disposal details complying with Council's Storm-water Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the residential flat buildings complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
  - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
- B. That Council write to the RTA expressing its concern about the significant number of accidents that have occurred on the Pacific Highway between Stanhope Road and Fiddens Wharf Road seeking advice on what the RTA proposes to do to rectify the problem particularly with regard to pedestrians.

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

*Against the Resolution:    Councillor Bennett*

465    **9 to 15 Kings Avenue, Roseville - Supplementary Report**

File: DA 1285/04

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

**H Badger  
M Hill  
D Bartnik  
L Hunt**

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

**Resolved:**

(Moved: Councillors Ryan/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 1285/04 for the demolition of existing structures and the construction of a residential flat building comprising 23 units including basement parking on land at 9-15 Kings

Avenue, Roseville, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

#### GENERAL CONDITIONS

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

<b>Dwg No</b>	<b>Rev.</b>	<b>Description</b>	<b>Author</b>	<b>Dated</b>	<b>Lodged</b>
A-002	A	Photo Montage	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-003	A	Entry Perspective	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-101	A	Location Plan	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-102	A	Survey Plan	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-103	A	Site Analysis	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-104	A	Existing Building Use	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-105	A	Existing Circulation	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-106	A	Existing Open Space	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-107	A	Opportunities analysis	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-108	C	Building Edges	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-109	C	Landscape Response	Fitzpatrick & Partners	26 November 2004	18 July 2005
A-110	B	Building Performance	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-111	C	Deep Soil Planting	Fitzpatrick & Partners	26 November 2004	18 July 2005
A-112	B	Access & Parking	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-113	D	Landscape Area	Fitzpatrick & Partners	8 July 2005	18 July 2005
		& Site Cover			
A-114	B	Sun Diagrams – equinox	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-115	C	Sun Diagrams – June	Fitzpatrick & Partners	8 July 2005	18 July 2005
SK24	A	Level 1 Basement	Fitzpatrick & Partners	17 August 2005	18 August 2005
SK25	A	Level 2 Basement	Fitzpatrick & Partners	17 August 2005	18 August 2005
SK26	A	Level 3 Entry	Fitzpatrick & Partners	17 August 2005	18 August 2005
A-204	C	Level 4	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-205	C	Level 5	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-206	C	Level 6	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-207	D	Level 7	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-208	C	Level 8	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-209	C	Roof	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-301	A	West Elevation Montage	Fitzpatrick & Partners	19 October 2004	18 July 2005
A-302	C	West Elevation	Fitzpatrick & Partners	26 November 2004	18 July 2005
A-303	E	East Elevation	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-304	C	North Elevation	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-305	C	South Elevation	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-401	D	Section A-A	Fitzpatrick & Partners	8 July 2005	18 July 2005
A-501	A	Detailed Entry Plan	Fitzpatrick & Partners	19 October 2004	18 July 2005
SK03	J	Landscape Plan	McGregor & Partners	December 2004	22 April 2005
SK06	A	Section B-B	Fitzpatrick & Partners	14 July 2005	18 July 2005
SK07	A	Section C-C	Fitzpatrick & Partners	14 July 2005	18 July 2005
SK08	B	Diagrammatic Section 1	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK09	B	Diagrammatic Section 2	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK10	B	Diagrammatic Section 3	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK27	A	Detail Section 5	Fitzpatrick & Partners	17 August 2005	18 August 2005
SK12	B	Area Diagram L5	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK13	B	Area Diagram L6	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK14	B	Area Diagram L7	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK15	B	Area Diagram L8	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK16	A	Typical Accessible Plan	Fitzpatrick & Partners	14 July 2005	18 July 2005
SK17	B	Front Boundary Setback	Fitzpatrick & Partners	5 July 2005	18 July 2005
		Level 1 Basement			

SK18	B	Front Boundary Setback Level 2 Basement	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK19	B	Front Boundary Setback Level 3 Entry	Fitzpatrick & Partners	5 July 2005	18 July 2005
SK20	B	Front Boundary Setback Level 4	Fitzpatrick & Partners	5 July 2005	18 July 2005

2. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to Council's stormwater pipe in Maclaurin Parade via the approved site stormwater management system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
3. A mandatory rainwater re-use tank system of minimum volume 69m<sup>3</sup> as shown in Patterson Britton & Partners Stormwater Management Plan, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. DCP47 is available in hard copy at Council and on the Council website. A mains top-up shall be provided for periods of low rainfall.
4. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
5. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
6. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
7. 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.**

8. 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.
9. 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".
10. 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.
11. 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](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
12. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
13. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
14. A convex mirror is to be provided on the bend at the entry to the lower level car park.
15. The works are to be carried out in accordance with the recommendations given in Douglas Partners Report 37412, dated October 2004, and subsequent



geotechnical reports, including regular inspections during excavation works and geotechnical review of structural drawings and details.

16. 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.
17. Landscape works shall be carried out in accordance with Landscape Drawing No 01 Rev L, & 03 Rev B prepared by McGregor Partners and dated April 2005 submitted with the Development Application, except as amended by the following:
  - \* The provision of substantial planting in the 6m wide deep soil area located on the southern side of the building.
  - \* The removal of the sun deck, seating area and associated decking in order to achieve the 1682 square metres of deep soil landscaping. The area being soft landscaped similar to the adjoining areas.
18. REMOVAL of the existing tree/s from Council's nature strip in front of the development site in Kings Ave shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.
19. 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.
20. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:  
  
Tree/Location  
  
#02 *Angophora costata* (Sydney Redgum)  
Adjacent to the north east site corner  
  
#06 *Eucalyptus pilularis* (Blackbutt)  
Centrally located in rear garden  
  
#08 *Eucalyptus saligna* (Bluegum)  
Centrally located in rear garden  
  
#11 *Syncarpia glomulifera* (Turpentine)  
Adjacent to southern site boundary on the Kings Ave nature strip
21. 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.

22. 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.

<b>Tree/Location</b>	<b>Radius From Trunk</b>
#02 <i>Angophora costata</i> (Sydney Redgum) Adjacent to the north east site corner	5.0m
#04 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to north eastern/rear site boundary	3.0m
#05 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north eastern/rear site boundary	4.0m
#06 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in rear setback	5.0m
#08 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear garden	4.5m
#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary on the Kings Ave nature strip	3.0m

23. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the principal certifying authority shall be required at quarterly/three monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the Occupation Certificate.

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:

<b>Tree/Location</b>	<b>Radius From Trunk</b>
#08 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear garden	8.0m
#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary on the Kings Ave nature strip	6.0m

24. 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.
25. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Kings Ave. The trees are to be planted as a formal evenly spaced avenue planting. The tree/s used shall be 25 litre container size specimen/s grown from progeny stock.

### Tree Species

*Eucalyptus saligna* (Bluegum) x 6

26. Following removal of the existing trees from Council's Kings Ave nature strip in front of the development site, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
27. 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.
28. 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)  
*Cinnamomum camphora* (Camphor laurel)  
*Cotoneaster sp.* (Cotoneaster)  
*Erythrina sp.* (Coral Trees)  
*Hedychium gardnerianum* (Ginger lily)  
*Hedera helix* (English Ivy)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Lonicera japonica* (Honeysuckle)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Tradescantia albiflora* (Wandering Jew)  
*Zantedeschia aethiopica* (Arum Lily)

29. The applicant is advised that Energy Australia advise that an electrical substation is to be established on the premises and an area to satisfy Energy Australia's conditions for a kiosk type substation or arrange for the construction of a building type substation that may be more appropriate.
30. The spill from any lighting is to be maintained within the site in accordance with AS 4282-1997: Control of obtrusive effects of outdoor lighting.
31. Drying areas being provided on balconies or a discreet drying area being provided in the communal landscaped area.
32. "Peep holes" shall be provided to enhance all units for personal safety.
33. 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.
34. 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.

35. 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.
36. 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.
37. **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.

38. 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.
39. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
40. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
41. 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.
42. 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.
- 43. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
- 44. 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.

- 45. 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.

- 46. 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.
- 47. 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.

48. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
49. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
50. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
51. 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.
52. 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.

53. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
54. 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.

55. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
56. 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.
57. 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.
58. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
59. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
60. 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.
61. 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.
62. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
63. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
64. Noise emission from the mechanical ventilation system including fan units is not to exceed the background noise level when measures at the nearest property boundary.

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

- 64A. That a dilapidation report for No 1 Nola Road, Roseville be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
65. Prior to issue of the Construction Certificate, the Applicant must consolidate the existing four lots. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. The condition is imposed to ensure a continuous structure will not be placed across separate titles.
66. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

67. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the LANDCOM document "Soils and Construction" (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
68. 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 retention/detention system. 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 the entire roof area as a minimum. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. The design may be generally in accordance with the stormwater management plan Figure 2 prepared by Patterson Britton, advanced as necessary for construction issue purposes.

69. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, carwashing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use shall be shown on this design to a detail suitable for installation by the plumbing contractor. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
70. A dedicated carwashing area is to be shown on the Construction Certificate plans. The waste collection vehicle manoeuvring area or a visitor parking bay may be used for this facility. The plans are to be approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/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. New connection points to the public drainage system must be shown accurately on the plan and shall be made in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.
72. **Prior** to the issue of a Construction Certificate the applicant shall lodge a **\$50,000** (fifty thousand dollars) public infrastructure damage 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 and 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.
- c) Works in the public road associated with the development are to an unacceptable quality.

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

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

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

74. A cash bond/bank guarantee of \$18 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

#01 Jacaranda mimosifolia (Jacaranda) \$1 000.00  
Adjacent to the south eastern site corner

#02 Angophora costata (Sydney Redgum) \$2 000.00  
Adjacent to the north east site corner

#03 Eucalyptus saligna (Bluegum) \$2 000.00  
Adjacent to north eastern/rear site boundary

#04 Eucalyptus paniculata (Grey Ironbark) \$1 000.00

Adjacent to north eastern/rear site boundary

#05 Eucalyptus pilularis (Blackbutt) \$2 000.00

Adjacent to north eastern/rear site boundary

#06 Eucalyptus pilularis (Blackbutt) \$2 000.00

Centrally located in rear setback

#08 Eucalyptus saligna (Bluegum) \$4 000.00

Centrally located in rear garden

#11 Syncarpia glomulifera (Turpentine) \$2 000.00

Adjacent to southern site boundary on the Kings Ave nature strip

#12 Eucalyptus saligna (Bluegum) \$2 000.00

Adjacent to western site corner on Kings Ave nature strip

75. 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.

76. 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).
77. 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.

78. 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.
79. 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 NINETEEN (19) ADDITIONAL DWELLINGS IS CURRENTLY \$432,201.07. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

80. The decks to units 3.03, 4.03, 5.03, 6.01 and 7.01 being in accordance with drawings SK21, SK22 and SK23 so that they are not less than 4.5 metres from the centre of the trunk of tree number 8. The basement carpark being set back from the southern site boundary in accordance with drawings SK24A, SK25A, SK26A and SK27A. Details to be included with the Construction Certificate plans.

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

81. 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.
82. 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.
83. Prior to the commencement of any works on site the applicant shall submit **to Council** a full dilapidation report on the visible (including photos) and structural condition of Maclaurin Parade, Corona Avenue and Kings Avenue including full road width, kerb and gutter, and the intersection. The report must be completed by a consulting structural/civil engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council. Other Council roads in the area are not available for construction traffic apart from vehicles less than 3.0 tonne gross unless written approval is received from Council and a dilapidation report has been completed on the roads.
84. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the existing structure at 7 Kings Avenue.

The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

85. **Prior to the commencement of any excavation works on site, the applicant must submit to the Principal Certifying Authority the results of the excavation trials and vibration monitoring as recommended in section 6.2 of Douglas Partners Report 37412, dated October 2004. This is to ensure that vibration created by the method of construction does not adversely impact on the surrounding properties and infrastructure. A qualified and practising geotechnical engineer must oversee the excavation trials and all**

**associated investigations. Excavation is to proceed in accordance with the recommendations of the geotechnical engineer.**

86. Prior to the commencement of any works on site the applicant must submit, for review by Council Engineers, a **construction site layout plan**. This is to entail a plan view of the entire site and frontage roadways indicating scale locations for:
- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and vehicles in the frontage roadway,
  - All traffic is to use Maclaurin Parade and Kings Avenue. No site traffic is to enter or leave via Corona Avenue.
  - Turning areas within the site for construction vehicles, allowing a forward egress for all construction vehicles on the site,
  - The locations of proposed Work Zones in Kings Avenue,
  - Warning signs in Maclaurin Parade of siteworks ahead;
  - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
  - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  - The provision of an on-site parking for employees, tradesperson and construction vehicles

The construction site layout plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The traffic management measures contained in the approved plan shall be implemented in accordance with the above plans prior to the commencement of any works on-site including excavation.

87. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' along the Kings Avenue frontage of the site. Further, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the scale of the works, existing on-street parking restrictions around the site and the existing high demand for on-street parking in this location.
88. Prior to the commencement of any works on site, the Applicant must liaise with Council's Urban Forest Officer to arrange for the vegetation between the northern driveway entrance and Maclaurin Parade to be trimmed to provide a clear line of sight for vehicles manoeuvring into and out of the site.

89. 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.

<b>Tree/Location</b>	<b>Radius in Metres</b>
#01 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to the south eastern site corner	5.0m
#03 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north eastern/rear site boundary	8.0m
#05 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to north eastern/rear site boundary	6.0m
#06 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in rear setback	5.0m
#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary on the Kings Ave nature strip	3.0m
#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to western site corner on Kings Ave nature strip	6.0m
#13 <i>Angophora costata</i> (Sydney Redgum) Adjacent to western site corner within Council's road reserve	6.0m
#18 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to the northern site boundary	6.0m

90. To preserve the ongoing health and vigour of tree #2 *Angophora costata* (Sydney Redgum) located adjacent to the eastern site boundary, protection fencing will require two stages. The first stage is to construct a 1.8m fence at a 2.8m metre distance from the base of the tree along the edge of the pool line and to a 9.0m radius in both directions, encompassing tree #2 and the Jacaranda #1 on the high side. Once the fence has been constructed, demolition of the swimming pool can proceed ensuring that the tree receives ample protection during the demolition of the pool.

Stage 2 protection requires fencing to a 6.0m radius on the trees northern side encompassing the preservation of the Jacaranda to the east of the tree. The fill left at the base of the tree as a consequence of the pools construction should be removed and the soil level reinstated to close to original grade. This is to be done under the direct supervision of the site Arborist to ensure roots are not exposed during the removal of the waste fill.

91. 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 boardwalk shall be fenced off for the specified radius from the trunk to prevent any

activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
#08 <i>Eucalyptus saligna</i> (Bluegum) Centrally located in rear garden	4.0m

92. 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.
93. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

94. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
95. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:
  - a) Completion of the new driveway crossings in accordance with levels and specifications issued by Council.
  - b) Reconstruction/ repair as necessary of the concrete footpath over the entire site frontage of Kings Avenue.
  - c) Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). Full reinstatement of these areas to footway, turfed verge and upright kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - d) Full repair and resealing of any road surface damaged during construction.
  - e) Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

**All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. 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, crane use) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.**

96. 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 retention/detention facilities (including all ancillary reticulation plumbing) on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instruments for protection of on-site retention/detention facilities (DCP47 appendix 14) 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 issue of an Occupation Certificate.
97. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater retention/detention design for the site, and
  - b) A copy of the works-as-executed drawing of the as-built on-site retention/detention 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/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

98. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
99. Prior to issue of an Occupation Certificate a certification and a works-as-executed (WAE) plan, in relation to the installed rainwater retention/detention devices, are to be submitted to the Principal Certifying Authority (PCA). 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 state compliance with each of the relevant controls set out in appendix 6.2 of Council Water Management Development Control Plan 47. The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:
- As constructed levels in comparison to design levels
  - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
  - Dimensions of all retention tanks/devices
  - Top water levels of storage areas and RL's at overflow point(s).
  - Storage volume(s) provided and supporting calculations/documentation.

For any on-site detention control installed, a separate 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)

100. Prior to issue of an Occupation Certificate 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 issue of an Occupation 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.

101. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and the parking layout plans approved for the Construction Certificate.

102. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition full dilapidation report on the visible and structural condition of the existing structure at 7 Kings Avenue.

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

103. Prior to issue of the Occupation Certificate the applicant shall submit **to Council** a follow up dilapidation report on the visible (including photos) and structural condition of Maclaurin Parade, Corona Avenue and Kings Avenue including full road width, kerb and gutter, and the intersection. The report must be completed by a consulting structural/civil engineer. The structural conditions of all structures originally assessed prior to the commencement of works, must be assessed and the results submitted to Council.
104. 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
105. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
106. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

## BUILDING CONDITIONS

107. 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.
108. 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.
109. 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.
110. 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.
111. 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.
112. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter

complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the Residential Flat Building complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
  - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
  - h. A Registered Surveyor's Report confirming approved levels of the ground floor.
  - i. A Registered Surveyor's Report confirming approved levels of the first floor.
  - j. Registered Surveyor's Report confirming that the 'height' of the building (as defined in the Ku-ring-gai Planning Scheme Ordinance 1971) does not exceed 8.0 metres.
  - k. A registered surveyors report confirming the deep soil landscaped area is no less than 50% of the site area (as defined in the Ku-ring-gai Planning Scheme Ordinance).
113. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows or walls of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the Construction Certificate.
114. Utility services such as water, sewer and electricity are to be underground.

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

*Against the Resolution:*    *Councillor Bennett*

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

(Moved: Councillors Shelley/Innes)

That consideration of the matter be deferred for amendment to the Plan to allow for the development to comply with the DCP55 condition of a 15m setback from the centreline of the watercourse marked on the revegetation zone.

466

**Draft (Heritage Conservation) Local Environmental Plan No 34 -  
51 Billyard Avenue, Wahroonga**

File: S04458

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

**I Glendinning  
M McDonel**

For Council to consider Draft (Heritage Conservation) Local Environmental Plan No 34 - Proposed Lot 1, 51 Billyard Avenue, Wahroonga (DLEP) following public exhibition.

**Resolved:**

(Moved: Councillors Cross/Ebbeck)

- A. That Council adopts Draft (Heritage Conservation) Local Environmental Plan No 34 - Proposed Lot 1, 51 Billyard Avenue, Wahroonga and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with a request that he makes the Plan.
- B. That Council notifies the NSW Heritage Office advising them of Council's decision.
- C. That Council notifies all affected residents of its decision.

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

*Against the Resolution:   Councillor Lane*

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

(Moved: Councillors Hall/Lane)

That consideration of the proposed listing of the property at 51 Billyard Avenue, Wahroonga in Schedule 7 (Heritage Items) of the KPSO be deferred pending a site inspection.

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

467

### **Extinguishment of a Council Easement by Rezoning**

File: S04019

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

**P Yuile**

**Notice of Motion from Councillor T Hall dated 20 October 2005.**

I move:

"That Council prepare a draft LEP, to be included in current drafts under consideration, for the zoning of the (unzoned) pathway easement between Newhaven Place and Link Road, St Ives, created in a 1965 subdivision but now in disuse, as Res (2d3) to match adjoining Res (2d3) zoned lands and to reclassify the land from community land to operational land."

**Resolved:**

(Moved: Councillors Hall/Lane)

That the above Notice of Motion as printed be adopted.

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

*Against the Resolution:   Councillors Bennett, Innes and Shelley*

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

*(Moved: Councillors Bennett/Shelley)*

That a staff report be brought to Council on the proposal including considerations raised by the town planning process.

468

### **Oversight of Mayoral Correspondence**

File: S02792

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

**R Hubbard**

**Notice of Motion from Councillor T Hall dated 31 October 2005.**

I refer to the Mayor's reply to the National Trust supporting the Trust's refusal to allow its name on Ku-ring-gai Council street signs as reported in the North Shore Times, notwithstanding a Council resolution not to heritage list 2 properties in Richmond Avenue St Ives was the grounds for the Trust's refusal and about which resolution the Mayor omitted to inform the Trust in her reply 21<sup>st</sup> September 2005.

I move that:

"All Mayoral correspondence with the external organisations that conflict with the stated position or policy of Council be circulated for consideration by Councillors before despatch."

**Councillor Cross departed during discussion**

**Motion:**

(Moved: Councillors Hall/Lane)

That the above Notice of Motion as printed be adopted

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

*For the Motion:* Councillors Hall, Lane and Ryan

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

**GENERAL BUSINESS (cont)**

469

**Investment Cash Flow & Loan Liability as at 30 September 2005**

File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and details of loan liability for September 2005.

**Resolved:**

(Moved: Councillors Shelley/Innes)

That the summary of investments, daily cash flows and loan liability for September 2005 is received and noted

**CARRIED UNANIMOUSLY**



## **Council Submission on Draft Standard LEP**

File: S04541

To seek Council endorsement of a submission to the Department of Planning on the Draft Standard Local Environmental Plan.

### **Resolved:**

(Moved: Councillors Ebbeck/Shelley)

- A. That Council endorse the submission on the draft Standard Local Environmental Plan as circulated.
- B. That a copy of the final submission be forwarded to the Department of Planning.
- C. That the following change to the submission be made:
  - i. In the second paragraph of Item No 33 in the attachment to the report, Draft Standard LEP Template under the heading, D. Mapping – Important Issues for Ku-ring-gai Council, delete the words: **“significant vegetation”**
  - ii. Add at the end of the second paragraph, add a new sentence with the following words: **“Of particular importance would be the ability for Councils to map threatened species and endangered ecological communities: In Ku-ring-gai these would include Blue Gum High Forest and Sydney Turpentine Ironbark Forest”**.

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

*Against the Resolution:   Councillors Bennett and Hall*

## **Heritage Advisory Committee Minutes from Meeting held 22 August 2005**

File: S03816

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held on 22 August 2005.

### **Resolved:**

(Moved: Councillors Shelley/Innes)

That Council note the Minutes from the Heritage Advisory Committee meeting held on 22 August 2005.

**CARRIED UNANIMOUSLY**

## **Annual Tenders - Pavement Rehabilitation**

File: S04532

To seek Council's approval to accept the schedule of rates tender SRT2005/02 for the Pavement rehabilitation by either stabilisation or reconstruction.

### **Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That the tender rates submitted by Stabilised Pavements of Australia Pty Ltd for pavement rehabilitation for 2005/2006 be accepted.
- B. That the tender rates submitted by Works Infrastructure for fixing sub-grade be accepted as an alternate contractor, if required.
- C. That the tenderers be advised of Council's decision.
- D. That authority be given to the Mayor and General Manager to affix the Common Seal of Council to the instrument for the Contract for the Pavement Rehabilitation by Stabilisation and associated specifications.

**CARRIED UNANIMOUSLY**

## **PRESENTATION**

Councillor Lane presented a report on the Local Government Association Conference held in Mudgee, including agenda papers for Councillors information.

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

## **Planning St Ives Centre**

File: S04019

### **Notice of Motion from Councillor L Bennett dated 31 October 2005.**

I move:

- "A. That the preliminary exhibition of the planning material for the St Ives Centre include a Public Domain Plan which does not have any retail, residential or commercial development on what is now community land.

- B. That the maximum floor space for additional retail and commercial development to be placed on preliminary exhibition for the St Ives Centre not exceed the amount as resolved by Council on 19 July 2005.
- C. That commercial floor space be provided for as part of the mixed zoning as per the Council report in the 19 July Business Papers.
- D. That the increase in retail floor space as resolved on the 19 July be clarified to mean an increase in gross floor area.
- E. That Council write to NSROC to seek its views as to whether the increase in retail/commercial recommended by the retail study is viable on a regional rather than simply a local basis."

**Resolved:**

(Moved: Councillor Bennett/Mayor, Councillor Malicki)

- C. That commercial floor space be provided for as part of the mixed zoning as per the Council report in the 19 July Business Papers.

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

*Against the Resolution:   Councillors Andrew, Lane and Ryan*

- E. That Council write to NSROC to seek its views as to whether the increase in retail/commercial recommended by the retail study is viable on a regional rather than simply a local basis."

*For the Resolution:           The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Innes and Shelley*

*Against the Resolution:   Councillors Ebbeck, Hall, Lane and Ryan*

Parts A, B & D of the Notice of Motion, when put to the vote were LOST.

**QUESTIONS WITHOUT NOTICE**

474

**Cumulative Impact of Traffic within Greengate Precinct**

Files: S02527, 88/05502/03

Question Without Notice from Councillor A Ryan

Could a report be brought back to Council on the likely cumulative impact of traffic from all the proposed developments under LEP 194 within the "Greengate Precinct"?

**Answer by the Mayor**

The General Manager will investigate and report back to Council.

**1596 Pacific Highway, Wahroonga - Prosecution Regarding Trees**

File: DA1081/04-7

Question Without Notice from Councillor T Hall

I refer to Minute No 449/05 and ask for progress whether Council has been successful in this prosecution and what has been the cost to ratepayers so far, please?

**Answer by the Mayor**

The General Manager will respond by Memorandum to Council.

**St Ives Progress Association**

Files: S03920, S04019

Question Without Notice from Councillor T Hall

I note the Mayor will be guest speaker at the St Ives Progress Association's Annual General and Public meetings on 23 November next.

Is the Mayor aware that a motion has been circulated to the Association's members, which states "that SIPA receive the funds donated by St Ives Resident Action Group on the proviso that these funds be used by SIPA to oppose the easy disposal of 'community classified' Council-owned property in St Ives".

In view of the fact that the Association opposes reclassification of community land in the St Ives Stage 2 Strategy, will the Mayor correct the misunderstanding of the Association at the meeting "in that for this Council not to address planned and integrated use of existing community land is clearly contrary to the Planning Minister's direction of 28 May 2004 in relation to land zoned Business 3(a) as Council's car parks are so zoned in the St Ives CBD"?

**Answer by the Mayor**

Councillor Hall, if I interpret your question correctly, you are asking me to interfere with the running of a resident action group which isn't appropriate for me to do.

**Question by Councillor Hall**

I am only asking you to approach them and explain to them that they are wrong in taking on the Minister's direction. That's all.

**Answer by the Mayor**

I don't believe it is the role of Mayor to tell a resident action group what to do, Councillor Hall.

477 **Section 94 Funds**

File: S02073

Question Without Notice from Councillor L Bennett

Could I have a breakdown of all Section 94 funds held by Council according to projects/expenditure category (for example: Open Space acquisition by suburb, childcare places etc)?

**Answer by the Mayor**

The General Manager will investigate and report.

478 **St Ives Village Green - List of Use by Sporting Groups**

Files: B00088, S02620

Question Without Notice from Councillor L Bennett

Could I have a list of the sporting groups which use the St Ives Village Green?

**Answer by the Mayor**

I am sure that won't be a problem at all and Mr Head will supply that to all Councillors.

479 **Traffic Management Plan - Mirvac Site in Lindfield**

File: S02980

Question Without Notice from Councillor M Shelley

Would the relevant officers check the construction traffic management plan for the Minister's Mirvac Site in Lindfield and ensure that it is being complied with?

**Answer by the Mayor**

The Director Technical Services will respond.

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

The next Inspections Committee will take place on Saturday, 12 November 2005 to view the following properties:

1 to 7 Bruce Avenue & 6 Greengate Lane, Killara  
9, 11 & 15 Newhaven Place, St Ives

*The Meeting closed at 11.40pm*

The Minutes of the Ordinary Meeting of Council held on 8 November 2005 (Pages 1 - 102)  
were confirmed as a full and accurate record of proceedings on 22 November 2005.

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General Manager

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Mayor / Chairperson