



**KU-RING-GAI PLANNING PANEL
TO BE HELD ON WEDNESDAY, 3 FEBRUARY 2010 AT 5.00PM
LEVEL 3, COUNCIL CHAMBERS
818 Pacific Highway, Gordon**

A G E N D A
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NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESSES TO THE PANEL

DOCUMENTS CIRCULATED TO THE PANEL

CONFIRMATION OF MINUTES

Minutes of Ku-ring-gai Planning Panel

File: S06347

Meeting held 9 December 2009

Minutes numbered PP38 to PP41

MINUTES FROM THE CHAIRPERSON

PETITIONS

GENERAL BUSINESS

GB.1 **43 and 43A Tryon Road, Lindfield - Proposed Boundary Adjustment**

File: DA0596/09

Ward: Roseville

Applicant: Michael A W Thomas

Owners: Tracy Taylor and Peter McGraw (43 Tryon Road), Helen Thomas and Michael Thomas (43a Tryon Road)

To determine Development Application No.0596/09, which is for a boundary adjustment between 43 and 43a Tryon Road, Lindfield. Given that this DA proposes a variation (via SEPP1 objection) to a development standard which is in excess of 10%, department

Recommendation:

THAT the Ku-ring-gai Planning Panel, as the consent authority, is of the opinion that the objections under *State Environmental Planning Policy No. 1 – Development Standards* to the minimum allotment size and built-upon area (BUA) standards in clause 58B and clause 60C(2) of the Ku-ring-gai Planning Scheme Ordinance are well founded. The Ku-ring-gai Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as:

- there would not be any change to existing levels of amenity
- the application solely relates to rectifying an existing boundary anomaly only, no other works are proposed
- the existing streetscape character is maintained and will not be impacted upon by the proposed works.

AND

THAT the Ku-ring-gai Planning Panel, as the consent authority, being satisfied that the objections under SEPP No. 1 are well founded and also being of the opinion that the granting of consent to DA0761/09 is consistent with the aims of the Policy, grant development consent to 0596/09 for proposed boundary adjustment on land at 43 and 43a Tryon Road Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Proposed boundary adjustment Plan 01/09	K H Zeggelink (Surveyor)	10/10/07

Reason: To ensure that the development is in accordance with the determination.

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

3. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

4. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" 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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:

5. Sydney Water Section 73 Compliance Certificate

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

Reason: Statutory requirement.

6. Requirements of public authorities for connection to services

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

Reason: To ensure that services are available to the allotments of land.

7. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority.

Reason: To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

8. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

9. Submission of plans of subdivision (Torrens Title)

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 6 copies
- c) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- d) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

Reason: Statutory requirement.

10. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

GB.2 29 Beaconsfield Parade, Lindfield - Alterations and Two (2) Storey Addition including Garage and Front Fence

File: DA0660/09

Ward: Roseville

Applicant: Cindy & Co Pty Ltd

Owner: Cindy & Co Pty Ltd

To determine Development Application No. 0660/09 for alterations and a two (2) storey addition including garage and front fence.

Recommendation:

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

That the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA0660/09 for alterations and two (2) storey additions including garage and front fence on land at 29 Beaconsfield Parade, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

The conditions of consent are as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (alterations and additions)

The development must be carried out in accordance with work shown in colour on the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
NGLI-DA01, revision I, site plan	Eleven	4 December 2009 and received by Council on 7 December 2009
NGLI-DA02, revision I, ground floor plan	Eleven	4 December 2009 and received by Council on 7 December 2009
NGLI-DA03, revision H, first	Eleven	4 December 2009 and received

floor partition / roof plan		by Council on 7 December 2009
NGLI-DA04, revision G, elevation south/west	Eleven	4 December 2009 and received by Council on 7 December 2009
NGLI-DA05, revision H, elevation north/east	Eleven	4 December 2009 and received by Council on 7 December 2009
NGLI-DA06, revision F, section	Eleven	4 December 2009 and received by Council on 7 December 2009
NGLI-DA07, issue B, demolition plan	Eleven	4 September 2009 and received by Council on 7 December 2009
DA001-revision D, concept landscape plan	Anna King Landscape Architects Pty Ltd	2 November 2009 and received by Council on 7 December 2009
6898, revision 2, survey	ATS Land & Engineering Surveyors Pty Ltd	19 August 2009 and received by Council on 7 October 2009

Reason: To ensure that the development is in accordance with the determination.

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination.

3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
DA001-Rev D	Anna King	02/11/2009

Reason: To ensure that the development is in accordance with the determination.

4. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

5. Road opening permit

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 Council (upon payment of the required fee) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

6. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

7. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

8. Structural adequacy (alterations and additions)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

9. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy 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.

Schedule

Tree/Location

#7 *Syncarpia glomulifera* (Turpentine)
Adjacent to western side boundary in
neighbouring property

Radius in metres

3.0m on north-east side
6.0m elsewhere

Reason: To protect existing trees during the construction phase.

10. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

11. Tree protection signage

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

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

12. Tree protection mulching

Prior to works commencing and throughout construction, 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.

Reason: To protect existing trees during the construction phase.

13. Tree protection – avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

Schedule

Tree/Location

#7 *Syncarpia glomulifera* (Turpentine)

Adjacent to western side boundary in neighbouring property

Reason: To protect existing trees during the construction phase.

14. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

15. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be

satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

16. Design changes

To minimise the environmental impact of the development, the following design changes shall be implemented:

- The overall height of the development is to be reduced by 400mm, resulting in a first floor "glass sunroof" RL of 83.49 (AHD) and a maximum skillion roof and associated parapet of RL of 83.19 (AHD).
- The north-eastern first floor wall is to be set back a further 500mm, achieving a revised setback of 2.89 metres from the side boundary.
- The first floor bathroom and bedroom 4 windows on the north-eastern elevation are to be of opaque glazing.
- Fixed horizontal obscured louvres are to be erected to the outside of the entire first-floor, north-eastern window of bedroom 1. The louvres are to be fixed at 45° and opaque.
- The bathroom/ensuite horizontal louvre windows within the north-western elevation are to have a fixed maximum opening of 45° and are to be opaque.
- The air-conditioning unit adjacent to the north-eastern wall of the media room is to be re-located to the south-eastern wall of the media room.
- The facebrick of the existing dwelling is to be maintained. Rendering of the existing facebrick is not approved.
- The roof cladding of the existing dwelling shall be red terracotta tiles to match the existing dwelling.
- Where there are changes to window and door openings in the existing dwelling, all new brick work is to match the colour of the existing bricks.
- The existing front timber windows and entry doors are to be maintained.
- The existing front verandah, verandah roof, side path and entrance are to be retained. A new 1 metre wide path and stair from the driveway may be provided. The landscape plans to be amended to reflect this change.

The design changes are to be made to the plans and provided to the Principal Certifying Authority (PCA) prior to the release of the Construction Certificate.

Reason: To minimise environmental, amenity and streetscape impacts.

17. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
DA001-Rev D	Anna King	02/11/2009

The above landscape plan(s) shall be amended in the following ways:

- The proposed paved terrace centrally located within the rear garden is to be deleted and replaced with soft landscaping.
- The proposed planting of three *Brachychiton acerifolius* (Illawarra Flame Tree) is to be replaced with three *Syncarpia glomulifera* (Turpentine) and relocated so that they have a minimum setback of 3.0m from proposed retaining walls to ensure their ongoing establishment and viability.
- The proposed planting of *Melaleuca 'Revolution Green'* is to be replaced with an evergreen shrub species such as *Murraya*, *Photinia*, *Lillypilly* hybrid that can grow to a maximum height of 4.0m.
- The proposed planting of *Acmena smithii* (Lillypilly) within the rear garden is to be relocated so that they have a minimum setback of 3.0m from proposed retaining walls to ensure their ongoing establishment and viability.
- The proposed gravel turning bay is to be amended/reduced as per the amendments made in red on the approved landscape plan. The area removed from the turning bay is to be appropriately planted out with low shrubs.
- The retaining wall /front fence is to be relocated 1.5 metres north-west of front boundary. Existing ground levels are to be maintained forward of the retaining wall and planted out with small shrubs.
- The pedestrian entry layout within the front setback is to be amended to be consistent with Condition 16.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended as required by this condition.

Note: An amended landscape plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

Reason: To ensure adequate landscaping of the site.

18. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

19. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

20. External finishes, colours and materials (heritage items and conservation areas)

Prior to the issue of a Construction Certificate, the Certifying Authority shall submit a colour scheme and or materials board to Council's Heritage Advisor for approval. A written acknowledgement from Council's Heritage Advisor must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect heritage items and conservation areas.

21. Stormwater details (alts and additions where rainwater tanks required)

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, details in relation to stormwater management and disposal for the approved development. The following must be included:

- (i) Schedule of new drainage system components required to comply with AS3500.3 – (2003) Plumbing Code. This would typically nominate guttering and downpipe sizes and specifications, pipe and pit sizes for new drainage lines and show the location of these by way of sketch on the architectural plans issued for construction purposes.
- (ii) A plan showing the location(s) of the required rainwater storage tank(s) (of minimum volume 5m³) with manufacturer details and specifications provided for proprietary products. The design and citing of rainwater tanks shall be in accordance with Ku-ring-gai Water Management Development Control Plan No. 47, Appendix 6.
- (iii) The specifications for any pumping facilities so that retained water may be used for household purposes as required.

- (iv) A sketch plan showing the location of any new connection points to the public drainage system where proposed (e.g. at kerb, table drain, in ground pits or pipes) for Council records. The design can be designed generally in accordance with **Stormwater Drainage Layout Plan X09035 Dwg No.DA01**, dated **24/9/2009**, prepared by **Brown Consultants Pty Ltd**.

The details may be prepared by either a licensed plumber with experience in the installation of domestic stormwater systems or a qualified civil/hydraulic engineer. The scope of detail required shall be at the discretion of the Principal Certifying Authority having regard to ensuring that the new stormwater disposal and management systems are installed in accordance with the relevant plumbing codes, guidelines and the Building Code of Australia.

Reason: To ensure that stormwater disposal and management systems are installed in accordance with the relevant plumbing codes, guidelines and the Building Code of Australia.

22. Pier and beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the approved# **(insert structure)** will be isolated pier or pier and beam construction within the specified radius of the trunk/s of the following tree/s:

Schedule	Radius from trunk
Tree/Location #7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western side boundary in neighbouring property	6.0m

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

23. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

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.

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

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

24. Drainage of paved areas

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 of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

Reason: To control surface run off and protect the environment.

25. Vehicular access and garaging

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 Australian Standard 2890.1 – 2004 "Off-Street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

26. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

27. Public liability insurance – works on public land

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council’s road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

28. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

29. Excavation prior to works commencing

Prior to commencement of any excavation works on site, a suitably qualified consulting geotechnical/structural engineer is to inspect the site and provide certification to the Principal Certifying Authority (PCA) that the proposed excavation on the eastern boundary within the area of the neighbour's retaining wall can be carried out without adversely affecting the stability of the wall.

Any recommended temporary and permanent stabilisation, shoring and retention measures, are to be shown on the Construction Certificate plans and any recommended dilapidation reporting is to be carried out prior to commencement of excavation works.

Reason: To ensure the structural integrity of adjoining structures.

30. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

31. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any

works.

Reason: To ensure compliance with the Australian Standards.

32. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

33. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

34. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

35. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from 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.

Reason: To ensure safety and amenity of the area.

36. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

37. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

38. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or 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, a hoarding 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 hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

39A. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

39B. On site retention of waste docket

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

1. Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
2. This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

40. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

41. Road reserve safety

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 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.

Reason: To ensure safe public footways and roadways during construction.

42. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

43. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures 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.

Reason: To protect the environment from erosion and sedimentation.

44. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

44. Driveway trench drain at boundary

A 200mm wide grated drain, with heavy duty removable galvanised grates is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

45. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist 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:

Schedule

Tree/Location

#7 *Syncarpia glomulifera* (Turpentine)
Adjacent to western site boundary within neighbouring property

Time of inspection

- * Immediately prior to any works commencing on site.
- * Immediately after demolition, regrading and clearing of site
- * Immediately prior to the commencement of building works.
- * At four monthly intervals during construction.
- * At the completion of all development works on site.

Reason: To ensure protection of existing trees.

46. Treatment of tree roots

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 Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

47. Cutting of tree roots

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 works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees:

Schedule Tree/Location	Radius from trunk
#7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western side boundary in neighbouring property	5.0m

Reason: To protect existing trees.

48. **Approved tree works**

Approval is given for the following works to be undertaken to trees on the site:

Schedule Tree/Location	Approved tree works
#1-3 <i>Jacaranda mimosifolia</i> (Jacaranda) Rear garden	Removal
#4 <i>Erythrina x sykesii</i> (Coral tree) Adjacent to western side boundary in rear garden	Removal
#5 <i>Melia azaderach</i> (White Cedar) Adjacent to western side boundary	Removal
#6 <i>Camellia sasanqua</i> (Chinese Camellia) Rear garden	Removal
#8-10 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to western side boundary in front garden	Removal
<i>Magnolia soulangeana</i> (Saucer Magnolia) Front garden	Removal

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Reason: To ensure that the development is in accordance with the determination.

49. **Excavation near trees**

No mechanical excavation 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:

Schedule Tree/Location	Radius from trunk
#7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western side boundary in neighbouring property	6.0m

Reason: To protect existing trees.

50. **Hand excavation**

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

Schedule	Radius from trunk
Tree/Location #7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western side boundary in neighbouring property	5.0m

Reason: To protect existing trees.

51. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s shall utilise 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:

Schedule	Radius from trunk
Tree/Location #7 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western side boundary in neighbouring property	6.0m

Reason: To protect existing trees.

52. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

53. Removal of refuse

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.

Reason: To protect the environment.

54. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

55. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall

be satisfied that all commitments listed in BASIX Certificate No. A60565 have been complied with.

Reason: Statutory requirement.

56. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

57. Certification of drainage works (alts/adds)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai Water Management DCP 47

Note: Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

58. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

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

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.

Reason: To protect the streetscape.

59. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (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 Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

60. Post-construction structural report

The applicant shall engage a suitably qualified geotechnical/structural engineer to prepare a post construction structural report. This report is to ascertain whether the construction works created any structural damage to eastern boundary within the area of the neighbour's retaining wall. The report is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the neighbouring retaining wall, the Principal Certifying Authority must:

- compare the post-construction structural report with the pre-construction report
- have written confirmation from the relevant authority that there is no adverse structural damage to the neighbouring retaining wall

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

61. Noise control – plant and machinery

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. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

EXTRA REPORTS CIRCULATED AT MEETING

BUSINESS WITHOUT NOTICE - MATTERS OF GREAT URGENCY

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. *Matters for consideration - general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- a. *The provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. *any development control plan, and*
 - iv. *any matters prescribed by the regulations,*

that apply to the land to which the development application relates,
- b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. *the suitability of the site for the development,*
- d. *any submissions made in accordance with this Act or the regulations,*
- e. *the public interest.*