



**KU-RING-GAI PLANNING PANEL
TO BE HELD ON WEDNESDAY, 6 APRIL 2011 AT 5.00PM
LEVEL 3 COUNCIL CHAMBERS
818 Pacific Highway, Gordon**

AGENDA

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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 MEETINGS

ADDRESS THE PANEL

DOCUMENTS CIRCULATED TO THE PANEL

CONFIRMATION OF MINUTES

Minutes of Ku-ring-gai Planning Panel

File: CY00370

Meeting held 23 March 2011

Minutes numbered PP01 to PP03

MINUTES FROM THE CHAIRPERSON

PETITIONS

GENERAL BUSINESS

GB.1 Erection of Poles and Wiring for Northern Eruv

File: DA0331/10

Erection of poles and installation of non-live wiring on eleven (11) residential properties, as part of the proposed Northern Eruv.

Recommendation

- A. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. DA0331/10 involving the erection of two poles and installation of non-live wiring at 7 Carcoola Road St Ives, for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 38 DP 14488 7 Carcoola Road, St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of two (2) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0331/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:
 - a. The owner of the land;
 - b. The North Eruv Inc;
 - c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		7 Carcoola. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

5. 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.

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. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils

and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.

- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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).

Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

15. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. On site retention of waste dockets

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.

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

Reason: To protect the environment.

22. 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.

23. 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.

24. 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.

25. 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.

- B. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No DA0332/10 involving the erection of two poles and installation of non-live wiring at 21 Catherine Street, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 100 DP 16414 21 Catherine Street, St Ives, requiring:
 - d. public liability insurance to be provided by the owner for erection and maintenance of two (2) x 6.0 metres high poles and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0332/10;
 - e. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - f. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:

- a. The owner of the land;
- b. The North Eruv Inc;
- c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		21 Catherine Street. Dwg	Kiprovlch and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

5. 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.

6. 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.

7. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

8. 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.

9. 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.

10. 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.

11. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

12. 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.

13. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.

- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operation al impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

14. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

15. 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.

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

16. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

17. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

18. 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.

19. 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.

20. 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.

21. 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.

22. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. On site retention of waste dockets

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.

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

Reason: To protect the environment.

29. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

30. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Pittosporum undulatum (Sweet
Pittosporum)/ Tree 22

Approved tree works

Canopy pruning as per written permission dated
9 November 2010

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.

- C. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. **DA0333/10** involving the erection of two poles and installation of non-live wiring at 16 Paul

Avenue, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 45 DP 16414 16 Paul Avenue, St Ives, requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of two (2) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0333/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:
 - a. The owner of the land;
 - b. The North Eruv Inc;
 - c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		16 Paul Avenue Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

5. 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.

6. 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.

7. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

8. 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.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss

caused directly by the Eruv Committee, its installation and or/maintenance contractors.

- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

15. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. On site retention of waste dockets

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.

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

Reason: To protect the environment.

22. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

23. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Corymbia gummifera (Red
Bloodwood) Tree 29

Chamaecyparis obtusa (Hinoki
False Cypress) Tree 30

Approved tree works

Pruning of lowest dead branch (100mm diam) as per
arborist report dated November 2010

Canopy pruning as per arborist report dated
November 2010

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.

24. Hand excavation

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

Schedule	Tree/Location	Radius from trunk
	<i>Corymbia gummifera</i> (Red Bloodwood) Tree 29	6m

Reason: To protect existing trees.

25. 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.

26. 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.

27. 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.

28. 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.

D. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. DA0334/10

involving the erection of two poles and installation of non-live wiring at 62 Catherine Street, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 31 DP 16414,62 Catherine Street, St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of two (2) x 6.0 metre high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0334/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:
 - a. The owner of the land;
 - b. The North Eruv Inc;
 - c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		62 Catherine. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

5. 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.

6. 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.

7. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

8. 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.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.

- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. 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.

15. 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.

16. 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.

17. 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.

18. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

19. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. On site retention of waste dockets

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.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.

- This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

26. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

27. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Liquidambar styraciflua
(Liquidambar) Tree 26

Approved tree works

Minor canopy pruning in accordance with other conditions

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.

28. Hand excavation

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

Schedule

Tree/Location

Liquidambar styraciflua (Liquidambar) Tree 26

Radius from trunk

9.6m

Reason: To protect existing trees.

- E. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. **DA0335/10** involving the erection of two poles and installation of non-live wiring at 29 Lynbara Avenue, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 25 DP 31011, 29 Lynbara Avenue, St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of three (3) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0335/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:
 - a. The owner of the land;
 - b. The North Eruv Inc;
 - c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		29 Lynbara. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.

- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

13. Pole relocation

The pole proposed to be located 12.5 metres from the front boundary on the southern side of the property shall be relocated further back from the street so as to adjoin the front south-eastern corner of the existing dwelling and be set back 240mm from the southern, boundary. Details are to be included in the plans submitted with the Construction Certificate application.

Reason: To preserve the outlook to the street from the adjoining property to the south.

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

14. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

15. 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.

16. 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.

17. 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.

18. 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.

19. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

20. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.

- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. On site retention of waste dockets

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.

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

Reason: To protect the environment.

27. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

28. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Melaleuca decora (Paperbark) Tree 14a

Callistemon viminalis (Weeping Bottlebrush) Tree 16

Approved tree works

Minor canopy pruning in accordance with conditions

Minor canopy pruning of one branch to allow for pole

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.

29. Hand excavation

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

Schedule Tree/Location	Radius from trunk
<i>Melaleuca decora</i> (Paperbark) Tree 14a	4.8m
<i>Callistemon viminalis</i> (Weeping Bottlebrush) Tree 16	3.6m

Reason: To protect existing trees.

- F. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. DA0336/10 involving the erection of three poles and installation of non-live wiring at 27 Catherine Street, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 97A DP 16414 27 Catherine Street, St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of three (3) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0336/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:

- a. The owner of the land;
- b. The North Eruv Inc;
- c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

- 3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		27 Catherine. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole

hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).

- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. 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.

15. 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.

16. 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.

17. 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.

18. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

19. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.

- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. On site retention of waste dockets

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.

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

Reason: To protect the environment.

26. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

27. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Eucalyptus haemastoma (Scribbly Gum)/ Tree 23

Approved tree works

Minor canopy pruning in accordance with conditions.
No major limbs are permitted to be removed.

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.

- G. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. DA0337/10 involving the erection of three poles and installation of non-live wiring at 33 Toolang Road, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 16 DP 220383, 33 Toolang Road, St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of three (3) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0337/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land.

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:
 - a. The owner of the land;
 - b. The North Eruv Inc;
 - c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		33 Toolang. Dwg	Kiproovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.

- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s)

does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.

- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. 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.

15. 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.

16. 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.

17. 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.

18. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

19. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. On site retention of waste dockets

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.

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

Reason: To protect the environment.

26. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

27. Treatment of tree canopy/roots

If tree canopy or 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.

28. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Allocasuarina cunninghamiana

(River Sheoak) Tree 4

Banksia serrata (Old Man Banksia)

Tree 5

Callistemon viminalis (Weeping

Bottlebrush) Tree 6

Harpullia pendula (Tulipwood) Tree

7

Cupressocyparis x leylandii

(Leyland Cypress) Tree 8

Approved tree works

Pruning of one 3rd order branch (80mm) to branch collar

Minor canopy pruning to NW side as per conditions

Minor canopy pruning to NW side as per conditions

Minor canopy pruning as per conditions

Minor canopy pruning to western side and as per written permission from owner dated 23/11/10

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.

H. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. **DA0338/10** involving the erection of one pole and installation of non-live wiring at 3 Ovens Place, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 6 DP 216622, 3 Ovens Place, St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of one (1) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0338/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
 - c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:
 - a. The owner of the land;
 - b. The North Eruv Inc;
 - c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		3 Ovens Place. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole

hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).

- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

21. 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.

22. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

23. EnergyAustralia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. On site retention of waste dockets

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.

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

Reason: To protect the environment.

30. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

31. Treatment of tree canopy/roots

If tree canopy or 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.

32. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Pistacia chinensis (Pistacia) Tree 2

Gleditsia triacanthos (Honey

Locust) Tree 3

Approved tree works

Minor canopy pruning in accordance with conditions

Minor canopy pruning in accordance with conditions

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.

- I. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. **DA0339/10** involving the erection of four poles and installation of non-live wiring at 20 Yarrabung Road, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 112 DP 16414, 20 Yarrabung Road St Ives requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of four (4) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0339/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;

- c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:

- a. The owner of the land;
- b. The North Eruv Inc;
- c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		20 Yarrabung. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operation al impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

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

13. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

14. 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.

15. 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.

16. 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.

17. 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.

18. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

19. EnergyAustralia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. On site retention of waste docket

All demolition, excavation and construction waste docket 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.

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

Reason: To protect the environment.

26. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the

supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

27. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Cupressus sp (Cypress) Tree 17

Approved tree works

Minor canopy pruning in accordance with conditions

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.

28. Hand excavation

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

Schedule

Tree/Location

Acacia sp (Wattle) Tree 20

Angophora costata (Sydney Red Gum) Tree 21

Radius from trunk

2m

8.4m

Reason: To protect existing trees.

- J. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. DA0340/10 involving the erection of one pole and installation of non-live wiring at 18 Lawson Street, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 42 DP 28968, 18 Lawson Street, St Ives, requiring:

- a. public liability insurance to be provided by the owner for erection and maintenance of one (1) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0340/10;
- b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;
- c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:

- a. The owner of the land;
- b. The North Eruv Inc;
- c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this approval, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		18 Lawson. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

13. Amendments to approved detail plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved detail 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
09_191#18 Lawson	Kiproovich and Associates	23/10/09

The above detail plan(s) shall be amended as follows:

To preserve the health and condition of the following tree, the wire is to be shown or by note to be attached to the eastern side of the existing electrical pole to maximise clearance from the trunk of Tree 31 in accordance with arborist's recommendations. To avoid mechanical damage, the wire is to be shown to have attached a minimum 2m length piece of hose covering or similar (min 1m on either side of centre of tree).

Tree/Location

Eucalyptus saligna (Sydney Blue Gum) Tree 31

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

Note: An amended plan shall be submitted to the Certifying Authority.

Reason: To ensure protection of existing trees.

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

14. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

15. 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.

16. 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.

17. 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.

18. 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.

19. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

20. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.

- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. On site retention of waste dockets

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.

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

Reason: To protect the environment.

27. Drainage to existing system

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

Reason: To protect the environment.

28. Trees retained

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	Time of inspection
<i>Eucalyptus saligna</i> (Sydney Blue Gum) Tree 31	Attachment of wire to ensure maximum clearance from trunk.

Reason: To ensure protection of existing trees.

29. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

30. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Pittosporum undulatum (Sweet
Pittosporum) Tree 32

Acer buegeranum (Trident Maple)
Tree 33

Approved tree works

Minor canopy pruning in accordance with conditions

Minor canopy pruning in accordance with conditions

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

- K. THAT the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to Development Application No. DA0341/10 involving the erection of three (3) poles and installation of non-live wiring at 26 Marlborough Place, St Ives for a period of five (5) years from the date of the Notice of Determination, subject to the following terms and conditions:

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. The registered owner must execute a positive covenant pursuant to Section 88E of the Conveyancing Act 1919 regarding Lot 38 DP 14488 7 Caroola Road, St Ives, requiring:
 - a. public liability insurance to be provided by the owner for erection and maintenance of two (2) x 6.0 metres high pole and associated wiring extending over public land and connecting to nearby telegraph pole in the location shown on the plans approved under Development Application No. 0331/10;
 - b. the approved pole(s) and associated wiring is to be maintained in a proper and safe condition at all times by the owner of the land;

- c. If (a) and (b) are not complied with the structures shall be removed from the land

All costs associated with the preparation and registration of the positive covenant documentation shall be borne solely by the owner of the land and not Council.

Reason: To ensure structures in public land are appropriately maintained and to protect the public.

2. The positive covenant required by the deferred commencement Condition No. 1 shall identify the following person(s) and organisation(s) as having a caveatable interest over the subject land:

- a. The owner of the land;
- b. The North Eruv Inc;
- c. Ku-ring-gai Council.

Reason: To identify those persons and organisations that have an interest over the land.

3. Documentary evidence of the registration of the positive covenant with the NSW Department of Lands must be provided to Council within twelve (12) months of the date of this consent, otherwise this consent will lapse.

Reason: To ensure the orderly development of land.

Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out as follows:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
09-191		26 Marlborough. Dwg	Kiprovich and Associates Pty Ltd.	23/10/2009	18/02/11
SPF001	A	Pole footing detail	aurecon	November 2010	11/11/10

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. 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:

4. 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.

5. 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.

6. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. 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.

8. Approval for works over a public road

Under Section 138 of the Roads Act 1993, approval must be obtained from Council, as the relevant roads authority, for the erection of structures over a public road. The Applicant is to submit details of all the work that is to be erected on, over or above a public road.

Works shall not commence on site until approval has been granted. The following details shall be provided with the application:

- Certification that all wiring associated with the development would have a minimum height of 4.6m above ground levels.
- Details of the means of attachment to all utility infrastructure is to be in accordance with the requirements of Energy Australia and Telstra.
- Details of the proposed materials to be used.
- Separate written approval of all utility authorities likely to use the public road has been obtained.

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

Reason: To ensure the ongoing safety and protection of property.

9. 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.

10. Telstra conditions

At locations where the Eruv committee intends to install vertical PVC pipes on power poles and/or at locations where additional catenary wire(s) are to be installed the following

conditions must be agreed to in writing by the St Ives Eruv Development Committee prior to the commencement of any works:

- The Eruv installed PVC pipe must not come into contact with Telstra's HFC and/or PSTN network and/or customer cabling including associated pole fittings. There must be a vertical clearance of at least 150mm, between the top of the pipe and any Telstra network or customer cabling, and the Telstra point of attachment on the pole face and a minimum 50mm radial clearance from any Telstra pipe and/or cabling attached vertically or part way around the circumference at any point between ground level and the highest Telstra attachment on the pole.
- Under no circumstances is the Eruv installed catenary wire(s) to be electrically bonded to Telstra's HFC or PSTN network, customer cabling or metallic pole hardware fittings. This condition applies during construction and the ongoing life of the Eruv installed catenary wire(s).
- At pole locations where an Eruv installed catenary wire(s) is to be extended past a pole supporting Telstra infrastructure, a vertical separation of at least 300mm at the pole face must be maintained between Eruv catenary wire termination and any Telstra point of attachments on the pole.
- In situations where an Eruv installed catenary wire is installed between poles supporting Telstra's network or customer cabling a minimum 300mm radial separation must be achieved and maintained during the life of the Eruv wire(s).
- The Eruv Committee will obtain similar appropriate consents from Energy Australia, Optus, Councils, Road Traffic Authority and all other regulatory bodies that need to be involved in the proposal.
- The Eruv Committee shall consult with and be guided by Energy Australia on the method to provide electrical protection on any additional catenary wire(s) required to be installed to complete the Eruv. Prior to works commencement, the Eruv Committee must advise Telstra in writing to the method of electrical protection and/or isolation to ensure that working in close proximity to the Eruv catenary wire(s) does not expose Telstra or its contractor staff and/or other shares users of power poles to unacceptable occupational, health, safety and environmental risks.
- The Eruv Committee indemnifies Telstra for any damage to Telstra infrastructure, third party claims, loss of revenue arising from the installation and/or ongoing life of the additional infrastructure [catenary wire(s) or vertical pipes] attached adjacent to Telstra's aerial plant. Such indemnity will only apply to damage or third party loss caused directly by the Eruv Committee, its installation and or/maintenance contractors.
- The Eruv Committee unconditionally agrees to remove their facilities, or arrange to have them removed, within a reasonable timeframe and at its cost after receiving our written notification to this effect. The Eruv Committee agrees to remove its facilities on this basis at our absolute discretion if we perceive there to be any operational impact post installation, failing which Eruv agree that we have the right to remove any part of the Eruv's facilities at Eruv's cost.

Reason: Telstra conditions.

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

11. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under Part 5 of The Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. 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). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection 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. 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.

Reason: To ensure that the plans are suitable for construction purposes.

12. 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.

13. Deletion of one pole

- A. The pole located 12.5 metres from the front boundary and 300mm from the eastern, side, boundary is to be deleted. The existing pole located at a similar front set back and set back approximately 6 metres from the east side boundary at RL 135.80 is to be utilised.

Reason: To preserve the outlook from property No. 24 Marlborough Place to the north west.

- B. The pole located 7 metres from the front boundary and set back 240mm from the west side boundary shall be set back 1.5 metres from the side boundary to allow screen planting to be located between the pole and the west site boundary. Details to be included in the plans submitted with the Construction Certificate application.

Reason: To maintain the amenity of the area.

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

14. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

15. 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.

16. 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.

17. 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.

18. 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.

19. Wires in the road reserve

Wires which are in the road reserve shall be a minimum of 4.6 metres above ground level and shall be attached in such a way that if the wire is caught by a passing vehicle, the attachment or wire breaks before the pole or other higher cables are damaged.

Reason: Public safety.

20. Energy Australia

- The developer must comply with EnergyAustralia Network Standards, specifically 'NS183 – Installation of Private Attachments on EnergyAustralia Poles' which is available from our website at <http://www.energyaustralia.com.au/energy/ea.nsf/Content/Network+standards>.
- The developer must employ an Accredited Service Provider to do the work.
- The developer must provide EnergyAustralia with details of the accredited service provider before starting work on the Eruv. We will then check the currency and accreditation of the service provider.
- A work program must be provided to EnergyAustralia so that local EnergyAustralia staff are aware of when the work is starting.
- When the work is complete please provide a plan showing the AsBuilt condition of the work.
- To avoid any confusion in the future, the developer is responsible for ensuring that the Eruv is intact.

EnergyAustralia frequently replace poles and network cabling at short notice and it is possible that we may remove sections of the Eruv when performing the work. This work may happen with no notice in an emergency.

Reason: To ensure the requirements of EnergyAustralia are satisfied.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. On site retention of waste dockets

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.

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

Reason: To protect the environment.

27. 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.

28. Canopy Pruning - Arborist supervision

All canopy pruning for the installation of the wires or poles shall be with the intent to minimise canopy loss and be carried out under the supervision of a suitably qualified arborist (AQF3). All wires should be thread through the canopy and tensioned to the appropriate height **prior to commencement of pruning**. Pruning to allow maximum 300mm clearance from vegetation shall be carried out following installation of wire under the supervision of a suitably qualified arborist (AQF3) in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees

Reason: To ensure protection of existing trees.

29. Treatment of tree canopy/roots

If tree canopy or 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.

30. Approved tree works

Approval is given for the following works to be undertaken to trees on the site. Tree numbers shall be in accordance with Arborist Report prepared by Tree Wise Men, dated 11/12/09.

Schedule

Tree/Location

Glochidion ferdinandi (Cheese tree)/
Tree 9

Cedrus deodara (Himalayan Cedar)/
Tree 10

Pinus patula (Mexican Pine) /Tree 13

Jacaranda mimosifolia (Jacaranda) /
Tree 14

Approved tree works

Minor canopy pruning in accordance with conditions

Minor canopy pruning in accordance with conditions

Minor canopy pruning in accordance with conditions

Minor canopy pruning in accordance with conditions

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.

31. Hand excavation

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

Schedule

Tree/Location

Glochidion ferdinandi (Cheese tree)/Tree 9

Angophora costata (Sydney Red Gum)/Tree 11

Radius from trunk

2.4 m

3.6m

Reason: To protect existing trees.

EXTRA REPORTS CIRCULATED AT MEETING

BUSINESS WITHOUT NOTICE – MATTERS OF GREAT URGENCY

INSPECTIONS COMMITTEE – SETTING OF TIME, DATE AND RENDEZVOUS

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