



**KU-RING-GAI PLANNING PANEL  
TO BE HELD ON WEDNESDAY, 25 FEBRUARY 2009 AT 5.00PM  
LEVEL 3, COUNCIL CHAMBERS  
818 Pacific Highway, Gordon**

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

**APOLOGIES**

**DECLARATIONS OF INTEREST**

**CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

**ADDRESSES TO THE PANEL**

**DOCUMENTS CIRCULATED TO THE PANEL**

**CONFIRMATION OF MINUTES**

**Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 3 December 2008

Minutes numbered 76 to 78

**MINUTES FROM THE CHAIRPERSON**

## PETITIONS

### PT.1 **Stop Overdevelopment - Livingstone & Pymble Avenues, Pymble - (Eighteen [18] Signatures)**

File: S06913

We, the undersigned, strongly oppose the further upzoning for unit development proposed in Livingstone Avenue & Pymble Avenue, Pymble in the Draft LEP produced by the State Government's Ku-ring-gai Planning Panel on exhibition from 17 November 2008 to 19 December 2008.

#### **Recommendation:**

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

## GENERAL BUSINESS

### GB.1 **8 Burgoyne Street, Gordon - New Carport, Driveway & Crossover**

File: DA0982/08

Ward: Gordon

Applicant: Fortey and Grant Architecture

Owner: Mrs Jennifer Baker

To determine Development Application No.0982/08, which seeks consent for construction of a new carport, driveway and crossover.

#### **Recommendation:**

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

- A. THAT the Ku-ring-gai Planning Panel, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 60C of the Ku-ring-gai Planning Scheme Ordinance in respect of the Built-upon area development standard is well founded. The Ku-ring-gai Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

#### **AND**

THAT the Ku-ring-gai Planning Panel, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the

granting of consent to DA0982/08 is consistent with the aims of the Policy, grants development consent to DA0982/08 for Construction of a carport, driveway and crossover on land at No. 8 Burgoyne Street, Gordon for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

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

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

<b><i>Plan no.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
DA01 Amendment B	Fortey and Grant Architecture	26 November 2008
DA02 Amendment B	Fortey and Grant Architecture	26 November 2008

**Note:** This consent relates only to the works marked in red on the approved plans. It does not relate to any other works shown on the approved plans.

**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. Tree replenishment**

The property shall support a minimum number of four canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by a Landscape Architect or qualified Landscape Designer prior to release of a Construction Certificate.

Two of the canopy trees to be planted are to be locally occurring native trees consistent with the Sydney Turpentine Ironbark Forest plant community.

**Reason:** To preserve the tree canopy and ensure adequate landscaping of the site

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

### **7. Stormwater details (alts and additions where rainwater tanks required)**

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

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

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

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

## 8. Charged drainage system

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that a portion of the roof area is to be directed to the street drainage system by way of a charged drainage system.

The charged system must be designed by a qualified civil/hydraulic engineer and must comply with the design specifications in section 5.7.8 of Ku-ring-gai Water Management Development Control Plan 47. The design for the charged component may be based on the **Stormwater Management Plan 080315 D01 & D02 dated 25/11/2008** prepared by **Northern Beaches Consulting Engineers Pty Ltd**.

**The stilling pit within the road reserve will need to be fully sealed from kerb outlet to carport gutter. A flap valve over inlet is to be provided to prevent street drainage backflow. The pit will need to be a bolt-down trafficable solid lid.**

**Reason:** To protect the environment.

## 9. Driveway crossing levels

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

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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

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

## 10. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation

arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

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

**11. Infrastructure restorations fee**

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

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

- e) In this condition:

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

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

**Reason:** To maintain public infrastructure.

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

### **12. Prescribed conditions**

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

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

**Reason:** Statutory requirement.

### **13. Approved plans to be on site**

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

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

### **14. Demolition, excavation and construction work hours**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

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

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

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

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

## 15. 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.

## 16. Dust control

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

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

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

## 17. 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.

## **18. Recycling of building material (general)**

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

**Reason:** To facilitate recycling of materials.

## **19. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

## **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. 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.

## **23. Drainage to absorption trench**

Stormwater runoff from the driveway area shall be piped to an absorption trench system positioned parallel to the contours of the site at the highest practicable level. The design of the absorption trench shall generally be in accordance with **Stormwater Management Plan 080315 D01 & D02 dated 25/11/2008** prepared by **Northern Beaches Consulting Engineers Pty Ltd** comply with the requirements of Ku-ring-gai Water Management Development Control Plan No. 47.

**Reason:** To protect the environment.

## **24. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

## **25. Trees on nature strip**

Removal/pruning of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

### **Schedule**

#### **Tree/location**

*Platanus x hybrida* (London Plane) Burgoyne St nature strip

**Reason:** To ensure protection of existing trees.

## **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

**Reason:** To protect existing trees.

## 27. **Approved tree works**

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

<b>Schedule</b>	<b>Tree location</b>	<b>Approved tree works</b>
	<i>Platanus x hybrida</i> (London Plane Tree) Western end Burgoyne St nature strip in front of site	Removal

Removal or pruning of any other tree on the site is not approved.

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

## 28. **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.

## 29. **Tree planting on nature strip**

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along (enter street). The tree(s) used shall be a minimum 25 litres container size specimen(s):

<b>Schedule</b>	<b>Tree/ species</b>	<b>Quantity</b>	<b>Location</b>
	<i>Syncarpia glomulifera</i> (Turpentine)	1	Burgoyne St nature strip in front of site

**Reason:** To provide appropriate landscaping within the streetscape.

## 30. **Tree removal on nature strip**

Following removal of *the Platanus x hybrida* (London Plane) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

**Reason:** To protect the streetscape.

## 31. **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.

### **32. Canopy replenishment trees to be planted**

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

**Reason:** To maintain the treed character of the area.

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

### **33. Completion of landscape works**

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

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

### **34. Certification of drainage works (alts/adds)**

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

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

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

**Reason:** To protect the environment.

### **35. 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.

GB.2 **1 to 3 Eulbertie Avenue, Warrawee - Demolition of Existing Dwellings & Construction of a Residential Flat Building (41 Units), Landscaping, Basement Parking**

File: DA0920/08

Ward: Comenarra  
Applicant: Rupel Pty Limited

To determine Development Application No.0920/08 for the demolition of existing structures and construction of a residential flat building containing 41 units, basement car parking and associated landscaping.

**Recommendation:**

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

THAT the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA 0920/08 for demolition of existing structures and construction of a residential flat building comprising of 41 units, basement car parking and associated landscaping works, on land at 1-3 Eulbertie Avenue, Warrawee, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**1. Approved architectural plans and documentation (new development)**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
DA01B - Lower Basement	Wolski.Coppin Architecture	12/12/08
DA02C - Upper Basement	Wolski.Coppin Architecture	3/2/09
DA03C - Ground Floor	Wolski.Coppin Architecture	3/2/09
DA04A - First (2 & 3 Typ)	Wolski.Coppin Architecture	12/2/09
DA05A - Fourth (Penthouse)	Wolski.Coppin Architecture	12/12/08
DA06A - Roof Plan	Wolski.Coppin Architecture	12/12/08
DA07B - Elevations	Wolski.Coppin Architecture	3/2/09
DA08B - Elevations	Wolski.Coppin Architecture	3/2/09
DA09C - Cross Sections	Wolski.Coppin Architecture	3/2/09
DA10 - Street fence elevations	Wolski.Coppin Architecture	11/2/09
FS01 - Schedule of external finishes FS01A	Wolski.Coppin Architecture	Undated
Landscape Plan 39.09(8)/007"B"	Iscape Landscape Architecture	January 2009
Landscape Plan 39.09(08)/008"B"	Iscape Landscape Architecture	January 2009

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

**2. Inconsistency between documents**

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

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

### 3. **Approved landscape plans**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
39.09(08)/007'B'	IScape	#20/01/2009

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

## **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. **Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

#### **Public infrastructure**

- Full road pavement width, including kerb and gutter, of Eulbertie Street and Pacific Highway over the site frontage, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the

requirements of this condition prior to the commencement of works.

**Note:** A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

**Reason:** To record the structural condition of public infrastructure before works commence.

## 7. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

### **Address**

- 5 Eulbertie Avenue

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

## 8. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavates faces

- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

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

## **9. Construction and traffic management plan**

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

### **2. Traffic control plan(s) for the site**

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

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

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

The plan must provide evidence of RTA concurrence where construction access



is provided directly from or within 20m of an arterial road.

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

The plan must provide measures for minimising construction related traffic movements during school peak periods.

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

## **10. Work zone**

A work zone is mandatory and the applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

**Reason:** To ensure that appropriate measures have been made for the operation of the site during the construction phase.

## 11. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

**Reason:** To preserve and enhance the natural environment.

## 12. Tree protection fencing

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

### Schedule

#### Tree/location

#### Radius in metres

#2 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	4.0m on northern side 7.0m elsewhere
#3 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	8.0m
#4 <i>Pittosporum rhombifolium</i> (Qld Pittosporum) Eulbertie Ave nature strip	1.5m
#17 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary	6.0m
#18 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary in neighbouring property	7.0m
#19 <i>Acer negundo</i> (Box Elder) Adjacent to eastern side boundary in neighbouring property	4.0m
#20 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary in neighbouring property	8.0m
#24 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary in neighbouring property	5.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Eulbertie Ave site frontage	7.0m
#36 <i>Quercus robur</i> (English Oak) Adjacent to eastern side boundary	4.0m on western side 11.0m elsewhere
#37 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to eastern side boundary	3.0m
#41 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to south-east site corner in neighbouring property	10.0m
#42 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to south-east site corner	8.0m

**Reason:** To protect existing trees during the construction phase.

### **13. Tree protective fencing type galvanised mesh**

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

**Reason:** To protect existing trees during construction phase.

### **14. Tree protection signage**

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

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

**Reason:** To protect existing trees during the construction phase.

### **15. Tree protection mulching**

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

**Reason:** To protect existing trees during the construction phase.

### **16. Tree protection – avoiding soil compaction**

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

#### **Schedule**

#### **Tree/Location**

#2 *Lophostemon confertus* (Brushbox)

Eulbertie Ave nature strip

#3 *Lophostemon confertus* (Brushbox)

Eulbertie Ave nature strip

#17 *Eucalyptus saligna* (Bluegum)

Adjacent to eastern side boundary

#20 *Eucalyptus saligna* (Bluegum)

## **Schedule**

### **Tree/Location**

Adjacent to eastern side boundary in neighbouring property

#26 *Liquidambar styraciflua* (Sweet Gum)

Adjacent to Eulbertie Ave site frontage

#36 *Quercus robur* (English Oak)

Adjacent to eastern side boundary

**Reason:** To protect existing trees during the construction phase.

## **17. Tree fencing inspection**

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

**Reason:** To protect existing trees during the construction phase.

## **18. Noise and vibration management plan**

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency

- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

**Reason:** To protect the amenity afforded to surrounding residents during the construction process.

## **19. Archival recording of buildings**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in a A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

**Note:** A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works.

**Reason:** To ensure the proper management of historical artefacts and to ensure their preservation.

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

### **20. Lot consolidation**

Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure continuous structures will not be placed across separate titles.

### **21. Planter boxes on penthouse floor**

An additional planter box [6m (L) x 1m (D) x 600mm (above finished floor level) must be provided opposite the dining room of Unit 37 (marked in red on the plans) with

plantings that are likely to reach a height of maturity of at least 1.5m. Details to be provided to the PCA prior to the release of the construction certificate.

**Reason:** To minimise overlooking between Units 41 and 37.

## 22. Shade awnings

Shade awnings must be provided above the windows on the face brick walls facing Pacific Highway similar to those on the Eulbertie Avenue frontage.

**Reason:** To enhance streetscape presentation.

## 23. Front fences

The front fence along Eulbertie Avenue is to be a maximum of 900mm in height and the front fence to Pacific Highway is to be a maximum of 1800mm in height. The fences along the front boundaries (both Eulbertie Avenue and Pacific Highway) must be face brick not painted masonry with a two (2) metres setback off the front boundary and with suitable screen planting provided within the two metres setback.

**Reason:** To maintain streetscape character.

## 24. Car wash bay

A car wash bay must be provided in the basement car park to comply with DCP 55 within the loading bay. The plans must be amended to the satisfaction of the PCA prior to the issue of the Construction Certificate.

**Reason:** Residential amenity.

## 25. Amendments to approved landscape plan

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
39.09(08)/007'B'	iScape	20/01/2009

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

- Tree #26 *Liquidambar styraciflua* (Sweet Gum), located within the Eulbertie Avenue site frontage, is to be shown to be retained.
- The proposed *Eucalyptus saligna* (Sydney Bluegum) and *Nyssa sylvatica* (Tupelo), located beneath the canopy drip line of Tree #26, are to be relocated so that they are outside of the canopy drip line of existing trees to be retained.
- Existing levels and grades are to be shown to be retained beneath the canopy drip line of Tree #26.
- The proposed perimeter fence/masonry wall along the Pacific Highway frontage is to have a minimum setback of 2.0m from the Pacific Hwy boundary.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority

shall be satisfied that the landscape plan has been amended as required by this condition.

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

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

## 26. Excavation

Prior to the issue of the Construction Certificate, the certifying authority shall be satisfied that excavation for the proposed basement car park/development is undertaken utilising shoring/shot piling techniques along the basement line to minimise excavation within the specified radii of the following trees;

<b>Schedule</b>	
<b>Tree/location</b>	<b>Radius from trunk</b>
#17 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary	12.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Eulbertie Ave site frontage	12.0m
#36 <i>Quercus robur</i> (English Oak) Adjacent to eastern side boundary	8.0m

**Note:** No battering/over excavation is permitted/approved within the specified radii.

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

## 27. Amendments to approved engineering plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved engineering plan(s), 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:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
D03 Rev d	Australian Consulting Engineers	01/09/2008

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

- The proposed 150mm drainage line and associated pits to the south of Tree #26 *Liquidambar styraciflua* (Sweet Gum) within the critical root zone, is to be relocated so that it is located immediately adjacent to the western side of the proposed private courtyards within the Eulbertie Avenue site frontage.

The above amendments are required to ensure compliance with the following:

- Australian Standard 2890.1 - "Off-street car parking".
- Ku-ring-gai Council Water Management Development Control Plan 47.

**Note:** An amended engineering plan, prepared by a qualified engineer shall be

submitted to the Certifying Authority.

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

## **28. Long service levy**

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

**Reason:** Statutory requirement.

## **29. 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.

## **30. External finishes and materials (new building)**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape and plan no. FS01A. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

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

**Reason:** To protect the streetscape and the integrity of the approved development.

## **31. Outdoor lighting**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor



Lighting.

**Note:** Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

### **32. Access for people with disabilities (residential)**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

### **33. Adaptable units**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, (nos. 1, 8, 17, 26, 35), are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

**Note:** Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Disabled access & amenity.

### **34. Stormwater management plan**

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

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage

- and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the **Stormwater Plans Job No. 07AH227 D00 to D05 dated July 2008**, prepared by **Australian Consulting Engineering Pty Ltd** submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

### **35. Certification of existing interallotment drainage line**

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced civil/hydraulic engineer that:

- any existing pipes within the interallotment drainage easement system to be utilised that are not to be reconstructed, are in satisfactory operating condition
- the existing pipes to be utilised have the hydraulic capacity to carry uncontrolled post-developed flows from the subject property as far as the approved point of discharge to the public drainage system

Where it is found that existing interallotment pipes do not exist, are in disrepair, or will have insufficient hydraulic capacity to carry additional uncontrolled flows from the approved development, the applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority, prior to issue of the Construction Certificate.

Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Ku-ring-gai Water Management Development Control Plan No. 47 and AS3500.3 Plumbing and Drainage Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the line. The following engineering details must be included:

- plan view of interallotment system to scale, showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information,
- longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail including all trees within 7 metres of the proposed interallotment drainage system
- means to preserve the root systems of trees within 7 metres of the drainage system

**Reason:** To ensure that satisfactory design of the interallotment drainage in accordance with relevant codes and Australian Standards.

### **36. Sydney Water Section 73 Compliance Certificate (Part 1)**

Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

**Reason:** Statutory requirement.

### **37. Stormwater detention**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that an on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

**Reason:** To protect the environment.

### **38. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

### 39. Pier & beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the proposed masonry perimeter wall will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following trees.

Schedule Tree/location	Radius from trunk
#2 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	5.0m on northern side 10.0m elsewhere
#3 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	8.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Eulbertie Ave site frontage	8.0m
#41 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to south-east site corner in neighbouring property	10.0m 10.0m
#42 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to south-east site corner	4.0m
#44 <i>Syncarpia glomulifera</i> (Turpentine) Pacific hwy nature strip	4.0m
#46 <i>Eucalyptus scoparia</i> (White Gum) Pacific Hwy nature strip	

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

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

**Reason:** To protect existing trees.

### 40. Noise from road

Prior to the issue of the Construction Certificate, the Certifying Authority shall submit evidence to Council demonstrating that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Plans and specifications of the required acoustic design shall be prepared by a

practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

**Reason:** To minimise the impact of noise from the adjoining road or rail corridor on the occupants of the development.

#### **41. Noise from plant in residential zone**

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

**C1. Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

#### **42. Location of plant (residential flat buildings)**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

**C1. Note:** Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

**Reason:** To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

#### **43. Driveway crossing levels**

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

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location

within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

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

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

#### **44. Driveway grades – basement car parks**

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

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

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

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

#### **45. Basement car parking details**

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 "Off-street car parking"
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height

- clearances and space dimensions (delete clause if not seniors living)
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

#### **46. Drainage of paved areas**

All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

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

#### **47. Vehicular access and garaging**

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

#### **48. Number of bicycle spaces**

The basement car park shall be adapted to provide 12 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** To provide alternative modes of transport to and from the site.

#### **49. 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 and must detail the following infrastructure works required in Eulbertie Avenue:

- construct new footpath along the entire Eulbertie Avenue site frontage with the removal of all redundant driveway laybacks.
- construct flagged kerb wall along the full site frontage.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under 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 the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. 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.

#### **50. Energy Australia requirements**

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

**Reason:** To ensure compliance with the requirements of Energy Australia.

#### **51. Utility provider requirements**

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.



## **52. Underground services**

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

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

#### **53. Infrastructure restorations fee**

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:  
  
"Council Property" includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns,

mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

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

**Reason:** To maintain public infrastructure.

#### **54. Public liability insurance – works on public land**

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

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

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

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

#### **55. Section 94 contribution – residential development**

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

<b>Column A</b>	<b>Column B</b>
Community facilities	\$27,382.03
Park acquisition and embellishment works	\$294,156.06
Park embellishment works	\$66,046.52
Sports grounds works	\$93,449.11
Aquatic / leisure centres	\$5,532.16
Traffic and transport	\$7,804.96
Section 94 Plan administration	\$6,996.75
<b>Total contribution is:</b>	<b>\$501,367.59</b>

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of a Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council’s Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

## 56. Tree protection bond

Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$4 000.00 tree protection bond with Council. This bond is to provide security that the following trees are maintained in a healthy condition as found prior to commencement of work upon the site.

### Schedule

Tree/location	Bond value
#2 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Avenue nature strip	\$2,000.00
#3 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Avenue nature strip	\$2,000.00

The bond shall be lodged in the form of a deposit or bank guarantee. The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged and are in a healthy condition.

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

**Reason:** To ensure that the trees are maintained in the same condition as found prior to commencement of work.

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

### 57. Prescribed conditions

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

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

**Reason:** Statutory requirement.

#### **58. Approved plans to be on site**

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

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

#### **59. Engineering fees**

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

**Reason:** To protect public infrastructure.

#### **60. Statement of compliance with Australian Standards**

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

**Reason:** To ensure compliance with the Australian Standards.

#### **61. Demolition, excavation and construction work hours**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

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

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

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

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

## **62. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

## **63. 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.

## **64. Dust control**

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

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

- cloth
- cleaning of footpaths and roadways shall be carried out daily

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

#### **65. Post-construction dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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

**Reason:** Management of records.

#### **66. 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.

#### **67. 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.

#### **68. 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.

## **69. 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.

## **70. Recycling of building material (general)**

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

**Reason:** To facilitate recycling of materials.

## **71. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

## **72. 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.

### **73. 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.

### **74. 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.

### **75. Drainage to interallotment easement**

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

**Reason:** To protect the environment.

### **76. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

### **77. Sydney Water Section 73 Compliance Certificate**

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing



CoOrdinator. The applicant is to refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-develop” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the CoOrdinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

#### **78. Arborist’s report**

The trees 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**

All existing trees protected by Council’s Tree Preservation Order (TPO) located on site and within 2 Winton St and the nature strips within the Pacific Hwy, Eulbertie Ave and Winton St within 10.0m of proposed works.

###### **Time of inspection**

Immediately prior to the commencement of any demolition works on site

After demolition works and prior to the commencement of excavation or regrading works on site

At the completion of excavation works

At four monthly intervals during construction works

At the completion of all works on site

**Reason:** To ensure protection of existing trees.

#### **79. Trees on nature strip**

Removal/pruning of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

##### **Schedule**

###### **Tree/location**

#1 *Ulmus procera* ‘*Van Houtte*’ (Golden Elm)  
Eulbertie Avenue nature strip

**Reason:** To ensure protection of existing trees.

## 80. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which may be necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule Tree/location	Tree works
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Within Eulbertie Ave site frontage	Root pruning

**Reason:** To protect the environment.

## 81. 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

**Reason:** To protect existing trees.

## 82. Cutting of tree roots

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

Schedule Tree/location	Radius from trunk
#2 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	5.0m on northern side 10.0m elsewhere
#3 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	8.0m
#4 <i>Pittosporum rhombifolium</i> (Qld Pittosporum) Eulbertie Ave nature strip	2.0m
#17 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary	9.0m
#18 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary in neighbouring property	7.0m
#19 <i>Acer negundo</i> (Box Elder) Adjacent to eastern side boundary in neighbouring property	4.0m
#20 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary in neighbouring property	8.0m
#24 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary in neighbouring property	5.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Eulbertie Ave site frontage	8.0m
#36 <i>Quercus robur</i> (English Oak) Adjacent to eastern side boundary	5.0m on western side 11.0m elsewhere
#37 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to eastern side boundary	4.0m
#41 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to south-east site corner in neighbouring property	10.0m

## Schedule

### Tree/location

### Radius from trunk

#42 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to south-east site corner	10.0m
#44 <i>Syncarpia glomulifera</i> (Turpentine) Pacific hwy nature strip	4.0m
#46 <i>Eucalyptus scoparia</i> (White Gum) Pacific Hwy nature strip	4.0m
#50 <i>Lagunaria patersonii</i> (Norfolk Is Hibiscus) Pacific Hwy nature strip	3.0m

**Reason:** To protect existing trees.

## 83. Approved tree works

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

## Schedule

### Tree location

### Approved tree works

#1 <i>Ulmus procera</i> 'Van Houttie' (Golden Elm) Eulbertie Ave nature strip	Removal
#5 <i>Syzygium leuhmanii</i> (Lillypilly) Eulbertie ave nature strip	Removal
#6 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to Eulbertie Ave site frontage	Removal
#7 <i>Ulmus procera</i> (English Elm) Adjacent to Eulbertie Ave site frontage	Removal
#8 <i>Cupressus spp.</i> (Cypress pine) Adjacent to Eulbertie Ave site frontage	Removal
#9 X <i>Cupressocyparis leylandii</i> 'Leighton's Green' hedge Centrally located on site	Removal
#10 <i>Howea forsteriana</i> (Kentia Palm) Centrally located on site	Removal
#11 <i>Howea forsteriana</i> (Kentia Palm) Centrally located on site	Removal
#12 <i>Howea forsteriana</i> (Kentia Palm) Centrally located on site	Removal
#13 <i>Howea forsteriana</i> (Kentia Palm) Centrally located on site	Removal
#14 <i>Cinnamomum camphora</i> (Camphor laurel) Centrally located on site	Removal
#15 <i>Howea forsteriana</i> (Kentia Palm) Within building footprint	Removal
#16 <i>Howea forsteriana</i> (Kentia Palm) Within building footprint	Removal
#21 <i>Macadamia integrifolia</i> (Macadamia) Adjacent to eastern side boundary	Removal
#22 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary	Removal
#23 <i>Acer negundo</i> (Box Elder) Adjacent to eastern side boundary	Removal
#25 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to northern side boundary	Removal
#27 <i>Ligustrum vulgare</i> (Privet) hedge Adjacent to Eulbertie Ave site frontage	Removal
#28 <i>Tibouchina spp</i> (Tibouchina) Adjacent to Pacific Hwy site frontage	Removal

## Schedule

### Tree location

#29 <i>Magnolia x soulangiana</i> (Saucer Magnolia) Adjacent to Pacific Hwy site frontage
#30 <i>Arecastrum romanzoffianum</i> (Cocco Palm) Adjacent to Pacific Hwy site frontage
#31 <i>Persea americana</i> (Avocado) Adjacent to Pacific Hwy site frontage
#32 <i>Acer negundo</i> (Box Elder) Adjacent to Pacific Hwy site frontage
#33 <i>Cuppressus spp.</i> (Cypress Pine) Adjacent to Pacific Hwy frontage
#34 <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to Pacific Hwy site frontage
#35 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to Pacific Hwy site frontage
#38 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-east site corner
#39 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-east site corner
#40 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-east site corner
#43 <i>Celtis spp.</i> Hackberry) Adjacent to Pacific Hwy site frontage
#45 <i>Jacaranda mimosifolia</i> (Jacaranda) Pacific Hwy nature strip
#47 <i>Eucalyptus nicholii</i> (Narrow leaf peppermint) Pacific Hwy nature strip
#48 <i>Eucalyptus elata</i> (River Peppermint) Pacific Hwy nature strip
#49 <i>Acacia spp</i> (Wattle) Pacific Hwy nature strip
#51 <i>Malus spp</i> (Crabapple) Corner of Eulbertie Ave and Pacific Hwy within nature strip
#52 <i>Camellia japonica</i> (Japanese Camellia) Centrally located on site
#53 <i>Lagerstroemia indica</i> (Crepe Myrtle) Centrally located on site

### Approved tree works

Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal
Removal

Removal or pruning of any other tree on the site is not approved.

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

## 84. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:

### Schedule

#### Tree/location

#2 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip
#3 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip
#17 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary

#### Radius from trunk

10.0m
8.0m
14.0m

**Schedule****Tree/location**

#20 *Eucalyptus saligna* (Bluegum)  
Adjacent to eastern side boundary in neighbouring property  
#26 *Liquidambar styraciflua* (Sweet Gum)  
Adjacent to Eulbertie Ave site frontage  
#36 *Quercus robur* (English Oak)  
Adjacent to eastern side boundary

**Radius from trunk**

8.0m  
10.0m  
11.0m

**Reason:** To protect existing trees.

**85. Hand excavation**

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

**Schedule****Tree/location**

#2 *Lophostemon confertus* (Brushbox)  
Eulbertie Ave nature strip  
#3 *Lophostemon confertus* (Brushbox)  
Eulbertie Ave nature strip  
#4 *Pittosporum rhombifolium* (Qld Pittosporum)  
Eulbertie Ave nature strip  
#17 *Eucalyptus saligna* (Bluegum)  
Adjacent to eastern side boundary  
#18 *Cinnamomum camphora* (Camphor laurel)  
Adjacent to eastern side boundary in neighbouring property  
#20 *Eucalyptus saligna* (Bluegum)  
Adjacent to eastern side boundary in neighbouring property  
#24 *Cinnamomum camphora* (Camphor laurel)  
Adjacent to eastern side boundary in neighbouring property  
#26 *Liquidambar styraciflua* (Sweet Gum)  
Adjacent to Eulbertie Ave site frontage  
#36 *Quercus robur* (English Oak)  
Adjacent to eastern side boundary  
#37 *Lagerstroemia indica* (Crepe Myrtle)  
Adjacent to eastern side boundary  
#41 *Corymbia maculata* (Spotted Gum)  
Adjacent to south-east site corner in neighbouring property  
#42 *Eucalyptus spp* (Eucalypt)  
Adjacent to south-east site corner  
#44 *Syncarpia glomulifera* (Turpentine)  
Pacific hwy nature strip  
#46 *Eucalyptus scoparia* (White Gum)  
Pacific Hwy nature strip  
#50 *Lagunaria patersonii* (Norfolk Is Hibiscus)  
Pacific Hwy nature strip

**Radius from trunk**

5.0m on northern side  
10.0m elsewhere  
8.0m  
2.0m  
7.0m on western side  
9.0m elsewhere  
7.0m  
8.0m  
5.0m  
8.0m  
5.0m on western side  
11.0m elsewhere  
4.0m  
10.0m  
10.0m  
4.0m  
4.0m  
3.0m

**Reason:** To protect existing trees.

**86. Thrust boring**

Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise

damage to tree(s) root system

**Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
#2 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	10.0m
#3 <i>Lophostemon confertus</i> (Brushbox) Eulbertie Ave nature strip	8.0m
#17 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary	9.0m
#18 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary in neighbouring property	7.0m
#20 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to eastern side boundary in neighbouring property	8.0m
#24 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern side boundary in neighbouring property	5.0m
#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to Eulbertie Ave site frontage	8.0m
#36 <i>Quercus robur</i> (English Oak) Adjacent to eastern side boundary	11.0m
#41 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to south-east site corner in neighbouring property	10.0m
#42 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to south-east site corner	10.0m
All existing trees and plantings 'Winton Cottage' 2 Winton St, Warrawee	Beneath canopy drip lines
Existing street trees	Beneath canopy drip line
Winton St nature strip	

**Reason:** To protect existing trees.

**87. 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.

**88. Tree planting on nature strip**

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Eulbertie Ave. The tree(s) used shall be a minimum 25 litres container size specimen(s):

**Schedule**

<b>Tree/ species</b>	<b>Quantity</b>	<b>Location</b>
<i>Lophostemon confertus</i> (Brushbox)	2	One is to be located on the northern side of the proposed driveway crossover. The other is to be planted 10.0m to the south of tree #3.

**Reason:** To provide appropriate landscaping within the streetscape.

**89. Tree removal on nature strip**

Following removal of the following trees from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council. Trees approved to be removed include Tree #'s 1, 5, 47, 48, 49 and 51. refer to approved Landscape Plan for tree numbers and locations.

**Reason:** To protect the streetscape.

**90. 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.

**91. Canopy replenishment trees to be planted**

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

**Reason:** To maintain the treed character of the area.

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

**92. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 233725M have been complied with.

**Reason:** Statutory requirement.

**93. Clotheslines and clothes dryers**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have a clothes line located in their private courtyards or have a mechanical clothes dryer installed.

**Reason:** To provide access to clothes drying facilities.

**94. Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:

- The Building Code of Australia
  - Australian Standard AS1668
  - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

**Note:** Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**Reason:** To protect the amenity of surrounding properties.

#### **95. Completion of landscape works**

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

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

#### **96. Accessibility**

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** Disabled access & services.

#### **97. Provision of copy of OSD designs if Council is not the PCA**

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:



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

**Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

#### **98. Certification of drainage works**

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

#### **99. WAE plans for stormwater management and disposal (dual occupancy and above)**

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions

- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

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

**Reason:** To protect the environment.

#### **100. Basement pump-out maintenance**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

**Note:** A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

**Reason:** To protect the environment.

#### **101. OSD positive covenant/restriction**

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To protect the environment.

## **102. Easement drainage line construction**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the required interallotment drainage system has been installed and surveyed under the supervision of a designing engineer or equivalent professional.

**Note:** At the completion of the interallotment works, the following must be submitted to the Principal Certifying Authority for approval:

- details from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation
- a full works as executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s)

**Reason:** To protect the environment.

## **103. Sydney Water Section 73 Compliance Certificate**

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

**Reason:** Statutory requirement.

## **104. Certification of as-constructed driveway/car park – RFB**

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:

- Australian Standard 2890.1 – “Off-street car parking”,
- The Seniors Living SEPP (as last amended) for accessible parking spaces,
- 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

**Note:** Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas are compliant with the consent.

### **105. Reinstatement of redundant crossings and completion of infrastructure works**

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

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

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

**Reason:** To protect the streetscape.

### **106. Construction of works in public road – approved plans**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant’s designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped

drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

**Reason:** To ensure that works undertaken in the road reserve are to the satisfaction of Council.

#### **107. 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.

#### **108. Noise from road**

Prior to issue of an occupation certificate, the Principal Certifying Authority must be satisfied that the development has achieved the following noise levels:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

A report must be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority prior to occupation.

**Reason:** To minimise the impact of noise from the adjoining road on the occupants of the development.

### **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

#### **109. Outdoor lighting**

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

#### **110. No door restricting internal waste collection in basement**

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

**Reason:** To facilitate access to the garbage collection point.

### **111. Car parking**

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

**Reason:** To ensure adequate provision of visitor parking spaces.

## **GB.3 5, 5A & 7 Gladstone Parade, Lindfield - Demolition of 3 Single Dwellings & Construction of a Residential Flat Development comprising 27 Units with 41 Car Parking Spaces over 2 Basement Levels**

File: DA0419/08

Ward: Roseville

Applicant: Gladstone Five Pty Ltd

Owners: Mr & Mrs M Mealey, Miss Hutchison, Mr & Mrs S Gorton

To determine development application No. 0419/08, which seeks consent for demolition of 3 single dwellings and construction of a residential flat development comprising 27 units with 41 car parking spaces over 2 basement levels

### **Recommendation:**

THAT the Ku-ring-gai Planning Panel, as the consent authority grant development consent to DA0419/08 for demolition of 3 dwellings, construction of a residential flat building containing 27 apartments, basement car parking, landscaping and associated works, on land at 5-7 Gladstone Parade, Lindfield for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

### **CONDITIONS THAT IDENTIFY APPROVED PLANS:**

#### **1. Approved architectural plans and documentation (new development)**

The development must be carried out in accordance with the following plans and

documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
DA0.02, DA1.01 Issue B	Marchese & Partners	8/5/2008
DA2.00 Issue E	Marchese & Partners	19/9/2008
DA2.01 to 2.07 (inclusive) Issue D	Marchese & Partners	26/8/2008
DA 3.01 to DA3.03 (inclusive) Issue D	Marchese & Partners	26/8/2008
DA4.01 to 4.04 (inclusive) Issue D	Marchese & Partners	26/8/2008

<b>Document(s)</b>	<b>Dated</b>
DA5.01 Schedule of Materials and Finishes Issue B	8/5/2008
Statement of Environmental Effect by James Lovell and Associates.	May 2008
Building Code of Australia Assessment Report by BCA Logic	5 May 2008
Access Report by Mark Relf	30 April 2008
Traffic & Parking Assessment Report by Varga Traffic Planning Pty Ltd.	2 May 2008
Construction Management and Sediment Control Plan by Statewide Project Management.	April 2008
Footprint Green Pty Ltd submission	8 July 2008
Geotechnical report prepared by Geotechnique Pty Ltd	10 December 2008

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

## **2. Inconsistency between documents**

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

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

## **3. Approved landscape plans**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
LP.01/C Sheet 1 of 1	Narelle Sonter Botanica	September 2008
BP.01/C Sheet 1 of 1	Narelle Sonter Botanica	September 2008

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

## **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. Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

### **7. Public infrastructure**

- Full road pavement width, including kerb and gutter, of Drovers Way & Gladstone Pde over the site frontages, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.
- Full road pavement width, including kerb and gutter, for at least 50 metres (from the property boundary) in a northerly direction up Drovers Way.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

**Note:** A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

**Reason:** To record the structural condition of public infrastructure before works commence.



## 8. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

**Note:** A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works.

**Reason:** To ensure the proper management of historical artefacts and to ensure their preservation.

## 9. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:

- The existing footpath
- The existing kerb and gutter
- The existing full road surface between kerbs
- The existing verge area
- The existing driveway and layback where to be retained
- Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

**Reason:** To protect public infrastructure.

## 10. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

### Address

- A2 Drovers Way
- 9A Gladstone Pde
- 11 Gladstone Pde
- 3 Gladstone Pde

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

## 11. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site

- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

**2. Traffic control plan(s) for the site**

All traffic control plans must be in accordance with the RTA publication “Traffic Control Worksite Manual” and prepared by a suitably qualified person (minimum ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

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

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

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

**For traffic and pedestrian amenity, no truck movements are to occur in Drovers Way, Beaconsfield Parade and Pacific Highway during the hours of school drop-off (8.00 to 9.30 am) and pick-up (2.30 to 4.00pm) on school days.**

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

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Note: Trucks routes similar to Option 3 of the submitted Construction Management Plan by Statewide Project Management Pty. Ltd (refer Revision 1, dated June 2008) is preferable, as local roads are avoided.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

## 12. Work zone

The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone for the proposed development. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

**Reason:** To ensure that appropriate measures have been made for the operation of the site during the construction phase.

## 13. 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.

#### 14. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

**Reason:** To preserve and enhance the natural environment.

#### 15. Tree protection fencing

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

##### Schedule

Tree/location	Radius from trunk
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 2	3m
<i>Nyssa sylvatica</i> (Tupelo) Tree 12	4m
<i>Cedrus deodara</i> (Himalayan Cedar) Tree 13	4m to south, 6m otherwise
<i>Angophora floribunda</i> (Rough-Barked Apple) Tree 29	5m
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 55	3m
<i>Cupressus sp.</i> Tree 56	3m
<i>Cupressus sp.</i> Tree 57	3m
<i>Cupressus sp.</i> Tree 58	3m
<i>Cupressus sp.</i> Tree 59	3m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 74	5m

**Reason:** To protect existing trees during the construction phase.

#### 16. Tree protection fencing excluding structure

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

##### Schedule

Tree/location	Radius from trunk
<i>Pinus patula</i> (Mexican Pine) Tree 1	7m

**Reason:** To protect existing trees during the construction phase.

## **17. Tree protection mulching**

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

**Reason:** To protect existing trees during the construction phase.

## **18. Tree fencing inspection**

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

**Reason:** To protect existing trees during the construction phase.

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

### **19. Design changes**

To reduce the environment impact of the development proposal the following design changes shall be implemented:

- 1) A minimum 1.6 metres high privacy screen is to be provided to the following apartments:
  - to the northern length of apartment G.02; and
  - the southern width of balcony to apartment 1.02, which is to return for a length of 2.7 metres, as marked in red on the approved plans.

**Reason:** To improve the internal living amenity.

### **20. Traffic signs**

Prior to issue of the Construction Certificate, the applicant shall obtain approval through Council's Traffic Committee for any traffic sign removal/relocation for the proposed development. The required fees as found in Council's adopted fees and charges shall be paid with the traffic sign removal/relocation application.

**Reason:** To ensure that traffic signs are correctly relocated.

### **21. Lot consolidation**

Prior to issue of the Construction Certificate, the applicant must consolidate the existing Torrens lots which form the development site. Evidence of lot consolidation, in the form of a plan registration with the Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure continuous structures will not be placed across separate titles.

## 22. Amendments to approved landscape plan

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
Narelle Sonter	LP01/C	26/09/08

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

1. To increase screening of the proposed building, three (3) additional *Eucalyptus saligna* (Sydney Blue Gum) shall be located within Gladstone Parade frontage. The proposed planting of *Angophora floribunda* (Rough-Barked Apple) on the corner of Gladstone Parade and Drovers Way shall be substituted with two *Eucalyptus saligna* (Sydney Blue Gum). One (1) additional *Eucalyptus saligna* (Sydney Blue Gum) shall be located along the north-western boundary between Tree 2 and Tree 12, and one additional *Eucalyptus saligna* (Sydney Blue Gum) shall be located along the north-western boundary to north east of Tree 55. The trees shall be planted approximately 8m from the building to allow for mature canopy spread. These trees may be grouped irregularly to allow for view corridors and solar access to new building.
2. To increase screening of the proposed building, one (1) additional *Angophora floribunda* (Rough-Barked Apple) and three (3) additional medium size trees shall be planted within Drovers Way frontage such as *Elaeocarpus reticulatus* (Blueberry Ash), *Ceratopetalum gummiferum* (NSW Christmas Bush).
3. Fire escape steps to western elevation to be shown in accordance with architectural plans.
4. To preserve the health and condition of the following tree, the proposed path, associated retaining walls and masonry boundary wall shall not encroach within the specified radius. Existing levels shall be retained within specified radius of tree. Masonry wall to be replaced with light timber structure to 900mm in height or hedge planting. The proposed letterbox shall be relocated.

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

## 23. Amendments to engineering plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering plan(s), listed below have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
382839	AFCE Environment & Building	4/2008

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

- The total required storage volume provided as on-site detention storage. BASIX commitments do not specify any minimum rainwater tank volume.
- The on-site detention storage volume increased (miscalculated).
- Plans updated in accordance with the approved plans.
- The majority of roof water from the development directed to the detention system via gravity (i.e. suspended plumbing). Runoff from hard surface areas unable to drain via gravity (i.e. LG.01 balconies etc.) to be directed to the basement pump-out system.

The above amendments are required to ensure compliance with Ku-ring-gai Council Water Management Development Control Plan 47.

**Note:** An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifying Authority.

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

#### **24. Long service levy**

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

**Reason:** Statutory requirement.

#### **25. 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.

#### **26. Outdoor lighting**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.



**Note:** Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

## **27. Access for people with disabilities (residential)**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

## **28. Adaptable units**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, [enter unit nos.], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

**Note:** Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Disabled access & amenity.

## **29. Stormwater management plan**

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

- exact location and reduced level of discharge point to the public drainage system
- layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- details of the required on-site detention system required by Ku-ring-gai Water

Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)

- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia.

**Reason:** To protect the environment.

### **30. Stormwater retention**

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

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

**Reason:** To protect the environment.

### **31. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

### **32. Noise from plant in residential zone**

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

**C1. Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

### **33. Location of plant (residential flat buildings)**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

**C1. Note:** Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

**Reason:** To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

### **34. Driveway crossing levels**

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

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

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

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

### **35. Driveway grades – basement car parks**

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

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

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

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

### **36. Basement car parking details**

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area

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

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

### **37. Drainage of paved areas**

All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

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

### **38. Vehicular access and garaging**

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

### **39. Car parking allocation**

Car parking within the development shall be allocated in the following way:

<b>Resident car spaces</b>	<b>38 spaces</b>
<b>Visitor spaces</b>	<b>7 spaces</b>
<b>Total spaces</b>	<b>45 spaces</b>

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

### **40. Number of bicycle spaces**

The basement car park shall be adapted to provide 9 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** To provide alternative modes of transport to and from the site.

#### **41. Energy Australia requirements**

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

**Reason:** To ensure compliance with the requirements of Energy Australia.

#### **42. Utility provider requirements**

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

#### **43. Underground services**

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

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

#### **44. Infrastructure restorations fee**

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property

and must not jeopardise the safety of any person using or occupying the adjacent public areas.

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

- e) In this condition:

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

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

**Reason:** To maintain public infrastructure.

#### **45. Section 94 contribution – residential development**

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

<b>Column A</b>	<b>Column B</b>
Community facilities	\$19,771.15
Park acquisition and embellishment works	\$480,755.06
Park embellishment works	\$37,988.04
Sports grounds works	\$67,474.76
Aquatic / leisure centres	\$3,994.49
Traffic and transport	\$5,635.56
Section 94 Plan administration	\$5,051.99

**Total contribution is: \$620,671.05**

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of a Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

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

### **46. Prescribed conditions**

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

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

**Reason:** Statutory requirement.

### **47. Approved plans to be on site**

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

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

### **48. Engineering fees**

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Council's adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

**Reason:** To protect public infrastructure.



#### **49. Statement of compliance with Australian Standards**

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

**Reason:** To ensure compliance with the Australian Standards.

#### **50. Demolition, excavation and construction work hours**

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

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

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

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

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

#### **51. 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.

## **52. Dust control**

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

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

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

## **53. Post-construction dilapidation report**

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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

**Reason:** Management of records.

## **54. Further geotechnical input**

The geotechnical and hydro-geological works implementation, inspection, testing and

monitoring program for the excavation and construction works must be in accordance with the reports by Geotechnique Pty. Ltd (refer Report Nos. 11488/1 & 11488/2, dated 13/10/2008 & 22/4/2008). Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs

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

#### **55. Compliance with submitted geotechnical report**

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations
- rock anchors
- footings

must be undertaken in accordance with the recommendations of the geotechnical reports prepared by Geotechnique Pty. Ltd (refer Report Nos. 11488/1 & 11488/2, dated 13/10/2008 & 22/4/2008). Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

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

#### **56. 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.

#### **57. 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.

#### **58. 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.

#### **59. 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.

#### **60. Recycling of building material (general)**

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

**Reason:** To facilitate recycling of materials.

#### **61. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

## **62. Approval for rock anchors**

Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

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

## **63. 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 (2002) "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.

## **64. Road repairs necessitated by excavation and construction works**

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

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

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

**Reason:** To protect public infrastructure.

## **65. 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.

## **66. Temporary rock anchors**

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

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

## **67. Temporary disposal of stormwater runoff**

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

**Reason:** To preserve and enhance the natural environment.

**68. Drainage to street**

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

**Reason:** To protect the environment.

**69. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

**70. Sydney Water Section 73 Compliance Certificate**

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The applicant is to refer to Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

**71. Arborist’s report**

The trees 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**

*Pinus patula (Mexican Pine)* Tree 1  
*Cedrus deodara (Himalayan Cedar)* Tree 13  
*Angophora floribunda (Rough-Barked Apple)*  
Tree 29  
*Jacaranda mimosifolia (Jacaranda)* Tree 74

**Time of inspection**

Excavation for driveway  
Excavation for basement  
Excavation for front fence  
and path  
Excavation for front fence

**Reason:** To ensure protection of existing trees.

**72. Canopy/root pruning**

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced an AQF level 3 Arborist and in accordance with the reduction pruning clause of AS4373-

2007. All other branches are to be tied back and protected during construction, under the supervision of a qualified arborist.

**Schedule**

**Tree/location**

*Pinus patula (Mexican Pine)* Tree 1  
*Cedrus deodara (Himalayan Cedar)* Tree 13  
*Angophora floribunda (Rough-Barked Apple)* Tree 29

**Tree works**

Minor canopy pruning  
 Minor canopy pruning  
 Minor canopy pruning

**Reason:** To protect the environment.

**73. 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

**Reason:** To protect existing trees.

**74. Cutting of tree roots**

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

**Schedule**

**Tree/location**

*Pinus patula (Mexican Pine)* Tree 1  
*Pittosporum undulatum (Sweet Pittosporum)* Tree 2  
*Nyssa sylvatica (Tupelo)* Tree 12  
*Cedrus deodara (Himalayan Cedar)* Tree 13  
*Angophora floribunda (Rough-Barked Apple)* Tree 29  
*Pittosporum undulatum (Sweet Pittosporum)* Tree 55  
*Cupressus sp.* Tree 56  
*Cupressus sp.* Tree 57  
*Cupressus sp.* Tree 58  
*Cupressus sp.* Tree 59  
*Jacaranda mimosifolia (Jacaranda)* Tree 74

**Radius from trunk**

7m  
 3m  
 4m  
 6m  
 5m  
 3m  
 3m  
 3m  
 3m  
 3m  
 5m

**Reason:** To protect existing trees.

**75. Approved tree works**

Approval is given for the following works to be undertaken to trees on the site. Tree numbers refer to arborist report, prepared by Footprint Green, dated 24/04/08.

**Schedule**

**Tree location**

*Livistona australis (Cabbage Tree Palm)* Tree 5  
*Liquidambar styraciflua (Liquidambar)* Tree 6  
*Livistona australis (Cabbage Tree Palm)* Tree 10  
*Callitris rhomboidea (Port Jackson Pine)* Tree 15

**Approved tree works**

Removal  
 Removal  
 Removal  
 Removal



**Schedule****Tree location****Approved tree works**

<i>Pittosporum undulatum (Sweet Pittosporum)</i> Tree 16	Removal
<i>Pittosporum undulatum (Sweet Pittosporum)</i> Tree 18	Removal
<i>Acer palmatum (Japanese Maple)</i> Tree 20	Removal
<i>Pittosporum undulatum (Sweet Pittosporum)</i> Tree 23	Removal
<i>Pittosporum undulatum (Sweet Pittosporum)</i> Tree 27	Removal
<i>Prunus sp. (Prunus)</i> Tree 30	Removal
<i>Pittosporum undulatum (Sweet Pittosporum)</i> Tree 32	Removal
<i>Photinia glabra (Hawthorn)</i> Tree 40	Removal
<i>Camellia sasanqua (Chinese Camellia)</i> Tree 41	Removal
<i>Camellia sasanqua (Chinese Camellia)</i> Tree 42	Removal
<i>Magnolia x soulangiana (Magnolia)</i> Tree 43	Removal
<i>Camellia sasanqua (Chinese Camellia)</i> Tree 44	Removal
<i>Michelia figo (Port Wine Magnolia)</i> Tree 45	Removal
<i>Melaleuca quinquenervia (Broad Leaved Paperbark)</i> Tree 47	Removal
<i>Photinia glabra (Hawthorn)</i> Tree 48	Removal
<i>Platycladus orientalis (Bookleaf Cypress)</i> Tree 49	Removal
<i>Michelia figo (Port Wine Magnolia)</i> Tree 50	Removal
<i>Camellia sasanqua (Chinese Camellia)</i> Tree 51	Removal
<i>Acer sp.</i> Tree 52	Removal
<i>Cupressus sp.</i> Tree 54	Removal
<i>Lagerstroemia indica (Crepe Myrtle)</i> Tree 68	Removal
<i>Cupressus sp.</i> Tree 63	Removal

Removal or pruning of any other tree on the site is not approved.

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

**76. Excavation near trees**

No mechanical excavation shall be undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:

**Schedule****Tree/location****Radius from trunk**

<i>Pinus patula (Mexican Pine)</i> Tree 1	7m
<i>Cedrus deodara (Himalayan Cedar)</i> Tree 13	6m

**Reason:** To protect existing trees.

**77. 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>Pinus patula (Mexican Pine)</i> Tree 1	7m
<i>Pittosporum undulatum (Sweet Pittosporum)</i> Tree 2	3m

## Schedule

Tree/location	Radius from trunk
<i>Nyssa sylvatica</i> (Tupelo) Tree 12	4m
<i>Cedrus deodara</i> (Himalayan Cedar) Tree 13	6m
<i>Angophora floribunda</i> (Rough-Barked Apple) Tree 29	5m
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Tree 55	3m
<i>Cupressus sp.</i> Tree 56	3m
<i>Cupressus sp.</i> Tree 57	3m
<i>Cupressus sp.</i> Tree 58	3m
<i>Cupressus sp.</i> Tree 59	3m
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 74	5m

**Reason:** To protect existing trees.

### 78. 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.

### 79. 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.

### 80. Canopy replenishment trees to be planted

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

**Reason:** To maintain the treed character of the area.

### 81. Removal of noxious plants & weeds

All noxious and/or environmental weed species shall be removed from the property prior to completion of building works:

**Reason:** To protect the environment.

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

### 82. Easement for waste collection

Prior to issue of the Occupation Certificate, an easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's

draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

**Reason:** To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

### **83. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 217013M have been complied with.

**Reason:** Statutory requirement.

### **84. Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
  - The Building Code of Australia
  - Australian Standard AS1668
  - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

**Note:** Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**Reason:** To protect the amenity of surrounding properties.

### **85. Completion of landscape works**

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

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

### **86. Accessibility**

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

be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** Disabled access & services.

#### **87. Provision of copy of OSD designs if Council is not the PCA**

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- a copy of the approved Construction Certificate stormwater detention design for the site
- A copy of any works-as-executed drawings required by this consent
- The Engineer's certification of the as-built system.

**Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

#### **88. Certification of drainage works (dual occupancies and above)**

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum on-site detention storage volume requirements of Ku-ring-gai Water Management Development Control Plan No. 47 have been achieved
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia

- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The on-site detention certification sheet contained in Appendix 4 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification.

**Note:** Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To protect the environment.

**89. WAE plans for stormwater management and disposal (dual occupancy and above)**

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed detention storages and derivative calculations
- as built locations of all access pits and grates in the detention system, including dimensions
- the size of the orifice or control fitted to the on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

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

**Reason:** To protect the environment.

**90. Basement pump-out maintenance**

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

**Note:** A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitably qualified professional and provided to the Principal Certifying Authority for approval.

**Reason:** To protect the environment.

#### **91. OSD positive covenant/restriction**

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To protect the environment.

#### **92. Sydney Water Section 73 Compliance Certificate**

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority.

**Reason:** Statutory requirement.

#### **93. Certification of as-constructed driveway/car park – RFB**

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and

collection area

- the vehicular headroom requirements of:
  - Australian Standard 2890.1 – “Off-street car parking”,
  - 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

**Note:** Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas are compliant with the consent.

#### **94. Reinstatement of redundant crossings and completion of infrastructure works**

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

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

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

**Reason:** To protect the streetscape.

#### **95. 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:**

**96. Outdoor lighting**

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

**97. No door restricting internal waste collection in basement**

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

**Reason:** To facilitate access to the garbage collection point.

**98. Noise control – plant and machinery**

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

**Reason:** To protect the amenity of surrounding residents.

**99. Car parking**

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold



Development) Act, 1986 to all lots comprising in part or whole car parking spaces

**Reason:** To ensure adequate provision of visitor parking spaces.

**100. Railcorp concurrence conditions:**

- a) All excavation and construction works are to be undertaken in accordance with the methodology detailed in the Geotechnical Report prepared by Geotechnique Pty Ltd, dated 10 December 2008.
- b) A Construction Certificate shall not be issued until the measures detailed in the above Geotechnique Pty Ltd report have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority shall provide verification to Railcorp that this condition has been complied with.
- c) A Risk Assessment/ Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Railcorp for review and comment prior to the works commencing on site. It should be noted that Railcorp's representative may impose conditions on the methods to be used and require the provision of on site Safe Working supervision for certain aspects of the works.
- d) Details of any proposed piling, sheet piling, batter and anchors should be provided to Railcorp for review and comment prior to work commencing.
- e) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's Road and Rail Guidelines. A Construction Certificate must not be issued until the measures recommended in the Acoustic Report have been incorporated into the design.
- f) Prior to the issuing of a Construction Certificate the applicant is to procure a report on the electrolysis Risk to the development from stray currents, and the measures that will be taken to control that risk. The applicant is advised to consult an Electrolysis expert. A Construction Certificate must not be issued until the measures recommended in the Electrolysis report have been incorporated into the design.
- g) As large scale excavation is involved, the applicant is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan shall meet Railcorp's requirements and be submitted to Railcorp for review prior to the commencement of works.
- h) Where a condition of consent requires Railcorp's endorsement the Principle Certifying Authority shall not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Railcorp that the particular condition has been complied with.

**EXTRA REPORTS CIRCULATED AT MEETING**

**BUSINESS WITHOUT NOTICE - MATTERS OF GREAT URGENCY**

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

**\*\* \*\* \* \*\* \* \*\* \* \*\* \* \*\* \***

**Environmental Planning & Assessment Act 1979  
(as amended)**

**Section 79C**

1. *Matters for consideration - general*

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

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

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