



**KU-RING-GAI PLANNING PANEL
TO BE HELD ON WEDNESDAY, 27 AUGUST 2008 AT 5.00PM
LEVEL 3, COUNCIL CHAMBERS,
818 Pacific Highway, Gordon**

A G E N D A

**** ** * ** * ** ***

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESSES TO THE PANEL

DOCUMENTS CIRCULATED TO THE PANEL

CONFIRMATION OF MINUTES

Minutes of Ku-ring-gai Planning Panel

File: S06347

Meeting held 20 August 2008

Minutes to be circulated separately

MINUTES FROM THE CHAIRPERSON

PETITIONS

GENERAL BUSINESS

GB.1 24 to 30 Stanhope Road, Killara - Demolition of Existing Dwellings & Outbuildings & Extension of Hospital & Accommodation

File: DA0166/08

Applicant: Mr B Banning, Banning & Associates
Owner: Dalcross Properties Pty Ltd

To determine development application No.0166/08, for demolition of the southern wing of the existing hospital and the 2 dwellings on 24 & 26 Stanhope Avenue and construction of a new 3 and 4 storey building and basement parking across the 3 allotments.

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, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to Clause 25L (zone interface) of the Ku-ring-gai Planning Scheme Ordinance 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 DA166/08 is consistent with the aims of the Policy, grant development consent to DA166/08 for demolition of the existing dwellings at 24-26 Stanhope Road and the construction of a hospital extension on land known as 24 to 30 Stanhope Road, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Schedule A

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

Deferred commencement terms:

Within twelve months of the date of this determination, the applicant shall prepare and provide the following to RailCorp for approval/certification:

1. geotechnical and structural reports that meet RailCorp's requirements as detailed in RailCorp's "standard brief"
2. construction methodology with details pertaining to structural support during excavation
3. methodology to monitor tracks during excavation and construction phases

4. cross-sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of subground support adjacent to the Rail corridor
5. in accordance with RailCorp's requirements a rail safety plan including instrumentation and the monitoring regime

Reason: Concurrence requirement (protection of RailCorp's assets)

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
A206, A207, A208, A209, A210 Issue B	Health Projects International	20/06/08 Received 23 June 2008.
A211, A212, A213 Issue C	Health Projects International	20/06/08 Received 22 July 2008.

Document(s)	Dated
Statement of Environmental Effects prepared by Chris Young. Amendments 1 & 2.	February 2008 and June 2008
Traffic and Parking Report prepared by Transport and Traffic Planning Associated	February 2008
Stormwater Detention and Rainwater Re-Use prepared by Whipps-Wood Consulting	March 2007
Statement of Heritage Impact prepared by Graham Brooks & Assocs.	February 2008
Accessibility Assessment Report prepared by Mark Relf	3 March 2008
Acoustic Report prepared by PKA Acoustic Consulting	February 2008
Social Impact Assessment prepared by GML Social Research	February 2008
Tree Report prepared by Treescan	February 2008
Geotechnical Investigation prepared by Jeffery and Katauskas P/L	28 February 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:

Plan no. 07042/L01-03 Rev F **Drawn by** Jocelyn Ramsay & Assoc **Dated** June '08

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

4. No demolition of extra fabric

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

Reason: To ensure compliance with the development consent.

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

5. Deletion of terrace deck

The rear terrace deck area adjacent to the northern site boundary, off the dining area is to be deleted and replaced with planting consisting of shade tolerant species, suitable for the location. Details of the amendment are to be provided to the Principal Certifying Authority and shown on the Construction Certificate plans prior to the issue of a Construction Certificate.

Reason: To maintain privacy to adjoining properties

6. Design changes to windows

The northern-most bay bedroom windows along the western elevation facing the south-east corner of 7-9 Werona Avenue on the 1st and 2nd floors are to be relocated to face north (facing the old hospital building). The middle and southern bedroom windows on the 1st and 2nd floors are to of translucent glazing. Details of the amendments are to be provided to the Principal Certifying Authority and shown on the Construction Certificate plans prior to the issue of a Construction Certificate.

Reason: To maintain privacy to the adjoining property

7. Design changes to main entry door

The entry door off the main entry lobby is to be relocated to be in line with the front pedestrian pathway. Detail of the amendment is to be provided to the Principal Certifying Authority and included in the Construction Certificate plans prior to the issue of a Construction Certificate.

Reason: Provide a clear path to the main entry lobby area

8. Design and construction of food preparation and storage areas

The design and construction of all food preparation and storage areas shall be in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 (Food Premises and Equipment) and Australian Standard 4674-2004 (Design Construction and Fit-out of Food Premises).

Reason: To ensure compliance with food standards

9. Workcover Authority

A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the WorkCover guidelines to prevent personal and environmental contamination.

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

Reason: Safety.

10. 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.

11. 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.

12. 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 Werona Avenue and Stanhope Road 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.

13. 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.

14. 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

34 Arnold Street

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.

15. 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 five boreholes to at least 1.5 metres below the proposed basement level (as recommended in the report by Jeffery and Katauskas). The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated 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.

16. 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 location of the proposed work zone along the Stanhope Road frontage

- 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.

17. Work zone

The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone on the Stanhope Road frontage. 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.

18. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

19. 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.

20. 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.

21. 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
#6 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress) Adjacent to south-east site corner	2.0m
#7 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to south-east site corner	3.0m
#11 <i>Citharexlem spinosum</i> (Fiddlewood) Adjacent to eastern site boundary in neighbouring property	5.0m
#21 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	3.0m
#22 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern site boundary	4.0m
#23 <i>Ficus macrophylla</i> (Morton Bay Fig) Adjacent to southern site boundary	5.0m
#26 <i>Grevillea robusta</i> (Silky Oak) Adjacent to northern site boundary in neighbouring property	5.0m
#27 <i>Washingtonia filifera</i> (Cotton Palm) Adjacent to southern site boundary	2.0m
#31 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner	5.0m
#35 <i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary in neighbouring property	7.0m
#37 <i>Howea forsteriana</i> (Kentia Palm) Adjacent to western site boundary	2.0m
#39 <i>Lophostemon confertus</i> (Brushbox)	3.0m

Schedule	Radius in metres
Tree/location	
Stanhope Rd nature strip	
#40 <i>Lophostemon confertus</i> (Brushbox)	3.0m
Stanhope Rd nature strip	
#41 <i>Lophostemon confertus</i> (Brushbox)	3.0m
Stanhope Rd nature strip	
#42 <i>Lophostemon confertus</i> (Brushbox)	3.0m
Stanhope Rd nature strip	
#43 <i>Angophora costata</i> (Sydney Redgum)	2.0m
Stanhope Rd nature strip	
<i>Acmena smithii</i> (Lillypilly)	5.0m
Adjacent to northern site boundary in neighbouring property	
<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	5.0m
Adjacent to northern site boundary in neighbouring property	
<i>Elaeocarpus reticulatus</i> (Blueberry Ash)	4.0m
Adjacent to northern site boundary in neighbouring property	
<i>Lophostemon confertus</i> (Brushbox)	6.0m
Adjacent to northern site boundary in neighbouring property	
<i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Adjacent to northern site boundary in neighbouring property	
<i>Liquidambar styraciflua</i> (Sweet Gum)	5.0m
Adjacent to north-west site corner in neighbouring property	

Reason: To protect existing trees during the construction phase.

22. 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 hospital building 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	Radius in metres
Tree/location	
#25 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig)	12.0m
Centrally located along the northern site boundary	

Reason: To protect existing trees during the construction phase.

23. 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.

24. 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.

25. 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.

26. 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.

27. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

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

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

Reason: To ensure appropriate management of construction waste.

28. 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 vibration 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.

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

29. Consolidation of lots

The applicant must consolidate the existing Torrens Title lots which will form the development site. Prior to issue of the Construction Certificate, the applicant must submit to the Principal Certifying Authority evidence that a plan of lot consolidation has been lodged for registration with Department of Lands. The consolidation must be registered prior to issue of the Final Occupation Certificate.

Reason: To ensure continuous structures will not be placed across boundaries.

30. Acoustic assessment

An acoustic assessment is to be submitted to Railcorp, Council and the Certifying Authority prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with:

- (a) RailCorp's Interim Guidelines for applicants in the consideration of rail noise and vibration from the adjacent rail corridor and
- (b) The daytime and night-time noise criteria of the Protection of the Environment Operations Act 1997 and the New south Wales Industrial Noise Policy.

A Construction Certificate must not be issued until the measures recommended in the Acoustic Report have been incorporated into the design.

Reason: RailCorp's requirement and to protect the amenity of the surrounding properties.

31. Electrolysis risk and control report

Prior to the issue 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 and submit to Council and Railcorp. The applicant is advised to consult an electrolysis expert. A Construction Certificate must not be issue until the measures recommended in the electrolysis report have been incorporated into the design.

Reason: RailCorp requirement

32. Craneage

Prior to the issue of a Construction Certificate, the applicant is required to submit to RailCorp for its endorsement a plan showing all cranes, lifting/hoisting devices and other aerial operations for the development.

Reason: RailCorp requirement

33. RailCorp's endorsement

Where a condition of consent requires RailCorp's endorsement, the Principal 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.

Reason: RailCorp requirement

34. Interpretive display

An interpretive display is to be provided on the site telling the story of Dalcross and its use as a hospital. Interpretive displays can include text, photographs, graphic illustrations and objects. The interpretation is to be submitted to and approved to by Council's Heritage Advisor prior to commencement of work and prior to issue of a Construction Certificate. The interpretations shall include a brief history of the site and images of the building located in the main entrance foyer. The interpretation

should be consistent with the NSW Heritage Council Guideline “Interpreting Heritage Places and Items”.

Reason: To enhance the understanding of the place and its historical importance to the local community.

35. 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:

Plan no.	Drawn by	Dated
07042/L01-03 Rev F	Jocelyn Ramsay & assoc.	June '08

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

- The proposed planting of an *Acer buergeranum* (Trident Maple) adjacent to the front pedestrian entry is to be changed to a *Lagerstroemia indica* (Crepe Myrtle)
- The proposed planting of *Camellia sasanqua* (Chinese camellia) and *Viburnum Odoritissimum* (Sweet Viburnum) is to be changed to be one species for consistency along the site frontage, in keeping with the traditional residential character of the streetscape.
- The proposed planting of *Hardenbergia violaceae* (Native Sarsparilla) adjacent the site frontage/pedestrian access path is to be changed to an ornamental grass species eg *Lomandra ‘Tanika’* or *Agapanthus* to soften the fence line.
- The proposed planting of *Pittosporum undulatum* (Sweet Pittosporum) is to be changed to another small/medium evergreen tree species.
- Proposed planting of *Camellia sasanqua* (Chinese Camellia) are to have a minimum pot size at planting of a minimum 15 litres.
- To maintain and enhance the existing streetscape character a minimum of 70% of proposed plantings within the Stanhope Road site frontage are to be exotic plant species.
- The proposed planting of a *Syncarpia glomulifera* (Turpentine) adjacent to the existing substation is to be deleted.

Prior to the issue of a 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.

36. 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.

37. 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. 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.

38. 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.

39. Access for people with disabilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to the building 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.

40. 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 volume required is to be calculated using the actual built-upon area.**
- 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 Hydraulic Services Drawings by Whipps-Wood submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

41. Design for upgrade of existing interallotment drainage line

The existing interallotment pipes are in disrepair and 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
- treatment of the grated inlet pit at the bend eg provision of a solid lid to prevent surcharge
- 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
- arborist's endorsement of the proposed means of installation (eg thrust boring), to preserve the root systems of trees within 7 metres of the drainage system
- upgrade of the existing converter in Arnold Street, with the arborist's endorsement of this work

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

42. 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, or augmentation of the existing system, will 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 actual post-development built-upon area. 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.

43. 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 front fence will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

Schedule Tree/location	Radius from trunk
#21 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	3.0m
#22 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern site boundary	4.0m
#23 <i>Ficus macrophylla</i> (Morton Bay Fig) Adjacent to southern site boundary	5.0m
#39 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#40 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#41 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#42 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#43 <i>Angophora costata</i> (Sydney Redgum) Stanhope Rd nature strip	6.0m

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

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

Reason: To protect existing trees.

44. Noise from road and rail (residential only)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS 2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within Premises.

Note: 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 major road or rail corridor on the occupants of the development.

45. 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.

46. 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 20% (1 in 5) 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.

47. 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.

48. 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.

49. 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.

50. Cleanliness and maintenance of food preparation areas

Plans and specifications complying with the requirements of the Food Act and Regulations, Australian Standard AS 4676 2004, AS 1668 Parts 1 and 2 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction
- internal garbage room/grease trap room construction and ventilation
- external garbage storage area

- external grease trap area
- all proposed mechanical ventilation systems
- staff disabled and public toilet facilities

Reason: To ensure compliance with standards for food premises.

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

51. 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.

52. 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 \$5 000.00 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
#39 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	\$1,000.00
#40 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	\$1,000.00
#41 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	\$1,000.00
#42 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	\$1,000.00
#43 <i>Angophora costata</i> (Sydney Redgum) Stanhope Rd nature strip	\$1,000.00

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:

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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 report by Jeffery and Katauskas and the report submitted prior to commencement of works. 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.

63. 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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas and the report submitted prior to commencement of works. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. Construction signage

All construction signs must comply with the following requirements:

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

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

70. 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.

71. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

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. 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.

74. 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 applicant's 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.

75. 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.

76. 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.

77. 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.

78. Drainage to existing system

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney

Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

Reason: To protect the environment.

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

Reason: Statutory requirement.

80. 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 located on site and neighbouring trees within 5.0m of site boundaries.

Time of inspection

Immediately prior to demolition/works being undertaken on site

Immediately after excavation/regrading of site

Every four months during construction

Conclusion of all works on site

Reason: To ensure protection of existing trees.

81. 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 arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate, and under the direct supervision of the consulting arborist:

Schedule**Tree/location**

#25 *Ficus microcarpa* 'Hillii' (Hill's Fig)
Centrally located straddling northern site boundary

Tree works

Removal of spatially conflicting roots and overhanging canopy only.

Reason: To protect the environment.

82. 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.

83. 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**

#1 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	4.0m on western side 7.0m elsewhere
#2 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	4.0m on western side 7.0m elsewhere
#3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	2.5m on western side 7.0m elsewhere
#4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	2.5m on western side 6.0m elsewhere
#5 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site boundary in neighbouring property	2.0m on western side 8.0m elsewhere
#6 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress) Adjacent to south-east site corner	3.0m
#7 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to south-east site corner	3.0m
#9 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to eastern site boundary	4.0m
#11 <i>Citharexlem spinosum</i> (Fiddlewood) Adjacent to eastern site boundary in neighbouring property	5.0m
#15 <i>Lophostemon confertus</i> (Brushbox) Adjacent to north-east site corner in neighbouring property	6.0m

Schedule	Tree/location	Radius from trunk
	#16 <i>Fraxinus spp</i> (Ash) Adjacent to north-east site corner in neighbouring property	3.0m
	#17 <i>Unidentified tree</i> Adjacent to northern site boundary in neighbouring property	4.0m
	#18 <i>Casuarina cunninghamiana</i> (River She-oak) Adjacent to western site boundary in neighbouring property	6.0m
	#20 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to western site boundary in neighbouring property	8.0m
	#21 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	3.0m
	#22 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern site boundary	4.0m
	#23 <i>Ficus macrophylla</i> (Morton Bay Fig) Adjacent to southern site boundary	5.0m
	#25 <i>Ficus microcarpa 'Hillii'</i> (Hill's Fig) Centrally located straddling to northern site boundary	6.0m on southern side 12.0m elsewhere
	#26 <i>Grevillea robusta</i> (Silky Oak) Adjacent to northern site boundary in neighbouring property	6.0m
	#27 <i>Washingtonia filifera</i> (Cotton Palm) Adjacent to southern site boundary	2.0m
	#31 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner	5.0m
	#35 <i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary in neighbouring property	7.0m
	#37 <i>Howea forsteriana</i> (Kentia Palm) Adjacent to western site boundary	2.0m
	#39 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
	#40 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
	#41 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
	#42 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
	#43 <i>Angophora costata</i> (Sydney Redgum) Stanhope Rd nature strip	6.0m
	<i>Acmena smithii</i> (Lillypilly) Adjacent to northern site boundary in neighbouring property	5.0m
	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to northern site boundary in neighbouring property	5.0m
	<i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to northern site boundary in neighbouring	4.0m

Schedule Tree/location	Radius from trunk
property	
<i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary in neighbouring property	6.0m
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	6.0m
<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner in neighbouring property	5.0m
Beneath the canopy drip line of any tree covered by Council's Tree preservation Order located within neighbouring properties where the easement works/upgrade is necessary	Varies

Reason: To protect existing trees.

84. Approved tree works

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

Schedule Tree location	Approved tree works
#25 <i>Ficus microcarpa 'Hillii'</i> (Hill 's Fig) Centrally located straddling northern site boundary	Removal of spatially conflicting limbs and roots only
<i>Coccothrinax romanzoffianum</i> (Cocco Palm) x 2 Within proposed driveway footprint	Removal
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to eastern site boundary	Removal
#8 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	Removal
#10 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site boundary	Removal
#24 <i>Acer palmatum</i> (Japanese Maple) Within building footprint	Removal
#28 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern site boundary	Removal
#29 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located on site	Removal
#30 <i>Cedrus deodara</i> (Himalayan Cedar) Adjacent to southern site boundary	Removal
#32 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	Removal
#33 <i>Strelitzia nicolai</i> (White Bird of Paradise) Adjacent to western site boundary	Removal
#34 <i>Juniperus chinensis</i> (Chinese Juniper) Adjacent to western site boundary	Removal
#36 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	Removal

Schedule	Tree location	Approved tree works
	#38 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	Removal
	<i>Nerium oleander</i> (Oleander) Stanhope Rd nature strip	Removal

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

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

85. 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/Locations	Radius from trunk
	#25 <i>Ficus microcarpa 'Hillii'</i> (Hill's Fig) Centrally located straddling northern site boundary	9.0m

Reason: To protect existing trees.

86. Hand excavation

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

Schedule	Tree/Locations	Radius from trunk
	#1 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	4.0m on western side 7.0m elsewhere
	#2 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	4.0m on western side 7.0m elsewhere
	#3 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	2.5m on western side 7.0m elsewhere
	#4 <i>Lophostemon confertus</i> (Brushbox) Adjacent to eastern site boundary in neighbouring property	2.5m on western side 6.0m elsewhere
	#5 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site boundary in neighbouring property	2.0m on western side 8.0m elsewhere
	#6 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress) Adjacent to south-east site corner	3.0m
	#7 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to south-east site corner	3.0m
	#9 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to eastern site boundary	4.0m
	#11 <i>Citharexylum spinosum</i> (Fiddlewood)	5.0m

Schedule Tree/Locations	Radius from trunk
Adjacent to eastern site boundary in neighbouring property	
#15 <i>Lophostemon confertus</i> (Brushbox)	6.0m
Adjacent to north-east site corner in neighbouring property	
#16 <i>Fraxinus spp</i> (Ash)	3.0m
Adjacent to north-east site corner in neighbouring property	
#17 <i>Unidentified tree</i>	4.0m
Adjacent to northern site boundary in neighbouring property	
#18 <i>Casuarina cunninghamiana</i> (River She-oak)	6.0m
Adjacent to western site boundary in neighbouring property	
#20 <i>Cinnamomum camphora</i> (Camphor laurel)	8.0m
Adjacent to western site boundary in neighbouring property	
#21 <i>Jacaranda mimosifolia</i> (Jacaranda)	3.0m
Adjacent to southern site boundary	
#22 <i>Liquidambar styraciflua</i> (Sweet Gum)	4.0m
Adjacent to southern site boundary	
#23 <i>Ficus macrophylla</i> (Morton Bay Fig)	5.0m
Adjacent to southern site boundary	
#25 <i>Ficus microcarpa 'Hillii'</i> (Hill's Fig)	6.0m on southern side
Centrally located straddling to northern site boundary	12.0m elsewhere
#26 <i>Grevillea robusta</i> (Silky Oak)	6.0m
Adjacent to northern site boundary in neighbouring property	
#27 <i>Washingtonia filifera</i> (Cotton Palm)	2.0m
Adjacent to southern site boundary	
#31 <i>Lophostemon confertus</i> (Brushbox)	5.0m
Adjacent to south-west site corner	
#35 <i>Lophostemon confertus</i> (Brushbox)	7.0m
Adjacent to northern site boundary in neighbouring property	
#37 <i>Howea forsteriana</i> (Kentia Palm)	2.0m
Adjacent to western site boundary	
#39 <i>Lophostemon confertus</i> (Brushbox)	6.0m
Stanhope Rd nature strip	
#40 <i>Lophostemon confertus</i> (Brushbox)	6.0m
Stanhope Rd nature strip	
#41 <i>Lophostemon confertus</i> (Brushbox)	6.0m
Stanhope Rd nature strip	
#42 <i>Lophostemon confertus</i> (Brushbox)	6.0m
Stanhope Rd nature strip	
#43 <i>Angophora costata</i> (Sydney Redgum)	6.0m
Stanhope Rd nature strip	
<i>Acmena smithii</i> (Lillypilly)	5.0m
Adjacent to northern site boundary in neighbouring property	

Schedule Tree/Locations	Radius from trunk
<i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to northern site boundary in neighbouring property	5.0m
<i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to northern site boundary in neighbouring property	4.0m
<i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary in neighbouring property	6.0m
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	6.0m
<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner in neighbouring property	5.0m
Beneath the canopy drip line of any tree covered by Council's Tree preservation Order located within neighbouring properties where the easement works/upgrade is necessary	Varies

Reason: To protect existing trees.

87. 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 Tree/Location	Radius from trunk
#5 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site boundary in neighbouring property	2.0m on western side 8.0m elsewhere
#9 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to eastern site boundary	4.0m
#21 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to southern site boundary	3.0m
#22 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern site boundary	4.0m
#23 <i>Ficus macrophylla</i> (Morton Bay Fig) Adjacent to southern site boundary	5.0m
#25 <i>Ficus microcarpa 'Hillii'</i> (Hill's Fig) Centrally located straddling to northern site boundary	12.0m
#26 <i>Grevillea robusta</i> (Silky Oak) Adjacent to northern site boundary in neighbouring property	6.0m
#27 <i>Washingtonia filifera</i> (Cotton Palm) Adjacent to southern site boundary	2.0m

Schedule	Radius from trunk
Tree/Location	
#31 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner	5.0m
#35 <i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary in neighbouring property	7.0m
#39 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#40 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#41 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#42 <i>Lophostemon confertus</i> (Brushbox) Stanhope Rd nature strip	6.0m
#43 <i>Angophora costata</i> (Sydney Redgum) Stanhope Rd nature strip	6.0m
<i>Acmena smithii</i> (Lillypilly) Adjacent to northern site boundary in neighbouring property	5.0m
<i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to northern site boundary in neighbouring property	5.0m
<i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to northern site boundary in neighbouring property	4.0m
<i>Lophostemon confertus</i> (Brushbox) Adjacent to northern site boundary in neighbouring property	6.0m
<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in neighbouring property	6.0m
<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-west site corner in neighbouring property	5.0m
Beneath the canopy drip line of any tree covered by Council's Tree preservation Order located within neighbouring properties where the easement works/upgrade is necessary	Varies

Reason: To protect existing trees.

88. 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.

89. 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 Stanhope Rd. The tree(s) used shall be a minimum 25 litres container size specimen(s):

Schedule

Tree/ species	Quantity	Location
<i>Lophostemon confertus</i> (Brushbox)	3	Stanhope Rd nature strip, as infill plantings to maintain the avenue planting

Reason: To provide appropriate landscaping within the streetscape.

90. Tree removal on nature strip

Following removal of the Oleander 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.

91. 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.

92. 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:

93. Acoustic report

An acoustic assessment from an appropriately qualified acoustic consultant shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate confirming that the day-time and night-time noise criteria of the Protection of the Environment Operations Act 1997 and the New South Wales Industrial Noise Policy has been achieved.

Reason: Protect amenity of the surrounding properties.

94. Easement for waste collection

Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88E of the Conveyancing Act 1919. 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.

95. 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

Reason: To protect the amenity of surrounding properties.

96. 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.

97. Retention and re-use positive covenant

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 property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 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 reuse and retention 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 to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

98. 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
- retained water is connected and available for use
- the on site detention volume is consistent with the actual built-upon area and that a trash rack, orifice plate and other requirements of the design have been installed.
- 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. 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 new components of the 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 new drainage pits
- gradients of drainage lines, materials and dimensions

- as built location and internal dimensions of any new 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 storage and derivative calculations
- as built locations of all new access pits and grates in the detention and retention system(s), including dimensions

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.

If the Positive Covenant already exists, then the Instrument is to be submitted to 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)
- confirmation that surcharge at the bend has been eliminated
- arborist's certification that the works were carried out in accordance with the recommendations made on the design drawings

Reason: To protect the environment.

103. Certification of as-constructed driveway/carpark – 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 carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the small car space has been marked accordingly
- 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.

104. 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.

105. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building .

CONDITIONS TO BE SATISFIED AT ALL TIMES:

106. 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.

107. Noise control – plant and machinery

The mechanical plant and any noise generating equipment associated with the building, when in operation shall not be audible within a habitable room in any 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 mechanical plant and equipment unit outside these restricted hours shall emit a noise level of not greater than 5dB(A) above the background when measured a the nearest adjoining boundary and/or at perimeter of the roof of the building.

Reason: To protect the amenity of surrounding residents.

GB.2 COMMUNITY INFORMATION SESSION - LINDFIELD & ROSEVILLE TOWN CENTRES

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.*