



**KU-RING-GAI PLANNING PANEL
TO BE HELD ON WEDNESDAY, 28 MAY 2008 AT 5.00PM
LEVEL 3, COUNCIL CHAMBERS
818 Pacific Highway, Gordon**

A G E N D A

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

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESSES TO THE PANEL

DOCUMENTS CIRCULATED TO THE PANEL

CONFIRMATION OF MINUTES

Minutes of Ku-ring-gai Planning Panel

File: S06347

Meeting held 14 May 2008

Minutes numbered PP23 to PP27

MINUTES FROM THE CHAIRPERSON

PETITIONS

GENERAL BUSINESS

GB.1 **5 to 7 Lonsdale Avenue, Pymble - Torrens Title Subdivision of Two Lots into Four Lots**

File: DA1159/07

Ward: Comenarra

Applicant: Creedence Planning Pty Ltd

Owners: 5 Lonsdale Avenue - Mr A G Edgar & Mrs S S Edgar,
7 Lonsdale Avenue - Mr S Jarnason

To determine development application No.1159/07, for the Torrens title subdivision of two lots into four lots at 5 to 7 Lonsdale Avenue, Pymble.

Recommendation:

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

THAT Ku-ring-gai Planning Panel, as the consent authority, refuse development consent to Development Application No.1159/07 for Torrens title subdivision creating four lots and associated works on land at 5 – 7 Lonsdale Avenue, Pymble, as shown on plans C04, C05, C06, C07, C08, C09 & C010 prepared by Visionary Homes, for the following reasons:

1. The proposal will result in a significant adverse impact on the endangered ecological community, Sydney Turpentine Ironbark Forest (STIF) identified in the site.

Particulars:

- a) The proposed building footprint for Lots C and D, combined with the future bushfire management requirements for the site will result in adverse impacts impact on the Sydney Turpentine Ironbark Forest (STIF) ecological community identified on the site.
- b) The bushfire management requirements to the rear of the site (including the possible future management of Lots C and D as an Inner Protection Area (IPA) excluding land identified as a Core Riparian Zone as noted by RFS), will result in a direct impact to approximately 50.4% of STIF community occurring on site. This area will be subjected to initial and ongoing disturbance.
- c) Remaining STIF (covering 49.6% of the site) is located within Core Riparian Zone (CRZ) which is proposed as an Outer Protection Area (OPA) under the applicant's bushfire management report. The bushfire requirements of an OPA conflict with the structure and density of vegetation required for a core riparian

zone. A high density of fully structured vegetation is required within the core riparian zone to maximise bed and bank stability.

2. The flora and fauna report fails to undertake a satisfactory assessment of the bushfire management requirements for the site and consequential impacts on STIF and native wildlife.

Particulars:

- a) The flora and fauna report, prepared by Abel Ecology dated 14 November 2007, fails to adequately assess the potential impacts on STIF which results from built structures, building platforms and bushfire management requirements. Direct impacts on STIF and Powerful Owl habitat have been underestimated.
- b) In order to adequately assess potential impacts upon the endangered ecological community (STIF), a clear understanding and assessment of proposed tree removal/tree impact is required as a result of bushfire management requirements. The proposal fails to undertake a satisfactory assessment of this issue.
- c) The site is a likely habitat for a number of threatened species including the Powerful Owl which roosts within surrounding remnant areas. The conclusions of the flora and fauna report regarding the potential impacts upon existing fauna (including the Powerful Owl) are not well founded as the report fails to adequately assess impacts on the existing habitat as a result of tree removal necessary for the proposed IPA and OPA requirements.
- d) The proposed development will result in a significant environmental impact and a Species Impact Statement is required to further determine impacts resulting from the proposed development.

3. The proposal will result in an unacceptable environmental impact on the riparian corridor to the rear of the site.

Particulars:

- a) The proposal fails to satisfy the 30metres riparian zone requirements under Council's Riparian Policy December 2004. The bushfire assessment report, prepared by Abel Ecology, dated 14 November 2007, proposes a 30 metres Asset Protection Zone (APZ) to the rear of Lots C and D, including a 20 metres Outer Protection Area (OPA), which conflicts with the required core riparian zone requirements under Council's Riparian Policy.
- b) The General Terms of Approval (GTA) issued by the Department of Water and Energy, dated 31 July 2007 cannot be achieved against the bushfire management requirements that would apply to this site under the applicant's proposal, which includes a 20 metres core riparian zone to be managed as a OPA.
- c) The proposed OPA crosses the watercourse bed, so that there is no riparian zone provision within the site. The low density and lack of connectivity of vegetation under the requirements of an APZ is likely to cause future instability of the watercourse.

- d) The creation of an OPA within the Core Riparian Zone is not supported. Fuel load removal within the Core Riparian Zone (in accordance with the proposed OPA requirements) has the potential to cause offsite impacts within the riparian zone. The removal of dead and living vegetative matter may decrease the ability of this area to filter sediments and nutrients from upslope areas (including the new dwellings). In addition to the physical action of fuel reduction, this area has the potential to increase siltation levels (depending upon the methods used to remove fuels).

4. Impact on existing trees and vegetation

Particulars:

- a) Planning for Bushfire Protection 2006 requires an IPA tree canopy cover of less than 15% and located greater than 2 metres from any part of the roofline of a dwelling. A OPA requires a tree canopy of less than 30%. The tree retention/removal plan C07, prepared by Benn Design Pty Ltd, dated 15 November 2000 fails to provide an accurate assessment of trees to be removed/retained as a consequence of the APZ bushfire requirements. It is estimated that >22 trees within the IPA are required to be removed to achieve a 15% canopy density and to provide a 2m canopy gap to any part of the proposed building envelopes for Lots C and D.

- b) The proposed building footprints for Lots C and D combined with future bushfire management requirements for the site will likely have adverse impacts on the following significant trees:

Tree 19: *Angophora costata* (Sydney Red Gum)

Tree 23 and Tree 24: *Eucalyptus pilularis* (Blackbutt)

Tree 88: *Eucalyptus pilularis* (Blackbutt)

Tree 91 and Tree 95: *Syncarpia Glomulifera* (Turpentine)

5. The bushfire management requirements for Lots C and D are uncertain and unresolved.

Particulars:

- a) The NSW Rural Fire Service General Terms of Approval (dated 25 March 2008) for a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997, do not include specific bushfire management requirements for proposed Lots C and D. The 'note' regarding future bushfire management of Lots C and D does not constitute a GTA condition and the implications of the bushfire management requirements to the rear of the site are not certain.
- b) The applicant's bushfire management plan for Lots C and D is not supported due to the conflicts with Council's riparian zone requirements and impacts on Sydney Turpentine Ironbark Forest (STIF) ecological community.

6. The bushland rehabilitation management plan is unsatisfactory.

Particulars:

- a) The bushland rehabilitation and management plan (prepared by Ambrose Ecological Services 2007) fails to acknowledge the relevant APZ requirements and the existence of the endangered ecological community (STIF) on the site. The plan is out of date and is inconsistent with the findings and recommendations of the bushfire report and flora & fauna report prepared by Abel Ecology, 14 November 2007.
- b) The plan does not adequately address the protection of on site flora and fauna values. Issues include:
 - Recommendations that weeds and soil to 10-15cm in depth be scaped and removed. This is not supported as it may result in the removal of native seed bank as well.
 - Weed removal should be carried out over a longer period of time allowing for natural regeneration (table 4.2 places weed removal in 1st month. Table 4.3 states maintenance for 2 years but there is no indication of the frequency or intensity of this maintenance).
 - There is a need to consider maintenance / replacement of fauna habitat on site.
- c) An amended bushland rehabilitation and management report is required which is consistent with the findings and recommendations contained in the bushfire report and flora/fauna report and which addresses the following matters:
 - use of selective weeding
 - retention of bush rocks and logs
 - a bush regeneration approach - allowing time for regeneration of existing seed stocks prior to planting
 - should planting be undertaken, local providence species aligning with those found with the Sydney Turpentine Ironbark Forest community should be used

7. Absence of a landscape plan.

Particulars:

- a) The proposed landscaping (including bush regeneration), ancillary works including retaining wall structures and landscaping works cannot be assessed as a landscape plan has not been submitted.
- b) A bushland rehabilitation report is to be accompanied by a landscape plan detailing bushland planting on the site, providing details as to where planting is proposed, which trees are to be trimmed/pruned and the quantities of planting in varying locations.
- c) The landscape plan must address potential tree and landscape impacts as a result of infrastructure (driveway access, sewer and drainage) works on the site.

8. The proposed stormwater drainage design results in a adverse environmental impact to the natural watercourse.

Particulars:

- a) The proposal involves direct discharge of stormwater into the watercourse which will create erosion on the embankments and nutrient discharge directly into the watercourse. It is required that the drainage into the watercourse be via an absorption trench to reduce direct impacts to the water course. An amended drainage plan showing the location of the absorption trench is required.

9. The proposal fails to satisfy the requirements of the KPSO and DCP 38.

Particulars:

- a) The access handle width for Lots C and D is a minimum of 3.66 metres and fails to comply with the minimum 4.6 metres access handle width requirements under Clause 58B(3)(c)(iii) of the KPSO. Inadequate area exists between the existing dwelling houses to accommodate the required dimensions for an access handle to the rear of the site. The SEPP1 objection is not well founded.
- b) The driveway design involves excessive hard surface area for vehicular access and passing bay with minimal complementary landscaping.
- c) The location of a combined access handle to Lots C and D, between the existing dwellings, compromises the setbacks and opportunity for suitable landscaping adjacent to the respective buildings. The proposal results in a cumulative non-compliances with Council's setback requirements under DCP38.

10. The proposal fails to demonstrate that Lots C and D are capable of being developed in accordance with the relevant legislative requirements.

Particulars:

- a) The proposal fails to satisfy the aims and objectives of SEPP19 – Bushland in Urban Areas and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 as a result of the conflicts between bushfire and riparian zone requirements combined with the associated environmental impacts on the site and potential impacts to downstream properties.
- b) The site contains Sydney Turpentine Ironbark Forest (STIF) vegetation community, which is listed as an Endangered Ecological Community under the NSW Threatened Species Act, and may be listed under the Environmental Protection and Biodiversity Conservation Act 1999. The applicant is required to refer the proposal to the Federal Department of the Environment, Water, Heritage and the Arts (EWHA) to determine if this action is classed as a Matter of National Environmental Significance.
- c) Future development of Lots C and D is not likely to comply with the relevant SEPPs, KPSO, DCPs and Council's policies in view of the significant topographical constraints, environmental features of the site (significant trees,

natural rock outcrops, STIF ecological community) and conflicting riparian and bushfire requirements.

GB.2 **23 to 31 McIntyre Street, Gordon - Demolition of 5 Existing Dwellings, Erection of a Residential Flat Building containing 46 Units, Ancillary Gymnasium, Basement Car Parking, Associated Landscaping & Site Works**

File: DA1334/07

Ward: Gordon

Applicant: N L Gentle Pty Ltd

Owners: Natcorp Properties Pty Ltd & Samana Estates Pty Ltd (23 McIntyre Street);
Mr N H Cheng & Mrs P Cheng (25 McIntyre Street);
Mrs T White & Mr W White (27 McIntyre Street);
Mrs A Mihalarias & Mr M Mihalarias (29 McIntyre Street);
Mr K Bryant (31 McIntyre Street)

To determine development application No.1334/07, which seeks consent for demolition of 5 existing dwellings, erection of a residential flat building containing 46 units, an ancillary gymnasium, basement car parking, associated landscaping and site works.

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 25I(5) 'Maximum number of storeys' and Clause 25I(8) 'maximum number of storeys and ceiling height' 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 as the proposal involves a technical non-compliance with storey requirements under Clause 25I of the KPSO as a result of a storey which is not exclusively used for parking but rather is part residential and part basement car parking. The basement car parking area of the building does not exceed 1.2 metres above ground level.

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 DA1334/07 is consistent with the aims of the Policy, grant deferred commencement development consent to DA1334/07 for demolition of 5 existing dwellings, erection of a residential flat building containing 46 units, an ancillary gymnasium, basement car parking, associated landscaping and associated site works on land at 23 – 31 McIntyre Street, Gordon, 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 term has been satisfied:

1. Drainage easement

In order to activate the consent, the Applicant shall obtain a resolution from Ku-ring-gai Council that it will consent to the extinguishment of the existing Council easement(s) for drainage which currently burden the subject property and the creation of a new easement for drainage. A detailed hydraulic design is to accompany the request. Councils Development Engineer will be responsible for preparing the necessary report to Council regarding the extinguishment and creation of easements, subject to payment of the adopted fee for the preparation of such reports.

Council’s approval for the relocation of the pipe and easement is to be obtained prior to the operation of the consent. Such approval is not guaranteed.

The applicant is to submit details of the proposed overland flowpath around the western side of the building so that the ground floor units will not be subject to inundation and flood levels will not be raised in the adjacent property. Landscaping in the overland flowpath is to be consistent with the approved landscape plan referred to in Schedule B. The documentation is to be submitted to Council and approved prior to operation of the consent.

Reason: To ensure that Council's assets are protected.

Evidence required to satisfy this condition must be submitted to Council within twelve (12) months of the date of this consent. Upon receipt of written notification from Council that the abovementioned condition has been satisfied, the following conditions will apply:

Date Schedule A lapses: 12 months from the date of determination

SCHEDULE B

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:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA01C, DA02C, DA03C, DA06C, DA07C, DA08C, DA09C, DA10C, DA11C, DA12C, DA13C	Gelder Architects	07.05.08
DA04D, DA05D	Gelder Architects	15.05.08
CD01B, CD02B, CD03B, CD04B, CD07B, CD08B	Gelder Architects	07.05.08
CD05A	Gelder Architects	12.12.07
CD06C	Gelder Architects	20.05.08

<i>Documents</i>	<i>Dated</i>
Report on air conditioning systems and condenser locations, prepared by Richard Duggan Pty Ltd Consulting Mechanical HVAC Engineers	14 May 2008
BASIX Certificate No.193185M	19 May 2008

Access Report, prepared by Mark Relf	11 December 2007
Geotechnical investigation prepared by Jeffery and Katauskas Pty Ltd	3 December 2007

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

2. Inconsistency between documents

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

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

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

3. Notice to be given prior to demolition or excavation

Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

4. Notice of commencement

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

Reason: Statutory requirement.

5. Notification of builder's details

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

Reason: Statutory requirement.

6. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of McIntyre Street over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

7. 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.

8. Dilapidation photos (public infrastructure)

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

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

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development

(which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

Reason: To protect public infrastructure.

9. 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:

- 14 to 24 Merriwa Street (unless such structure has been demolished under a separate development consent).
- 21 and 33 McIntyre Street (unless such structure has been demolished under a separate development consent).

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.

10. 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:

(a) A plan view of the entire site and frontage roadways indicating:

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles,

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

(b) 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.

(c) 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.

11. Work zone

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

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

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

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

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

12. 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.

13. 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.

14. 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	Radius in metres
Tree/location	
#1 <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	2.5m
#2 <i>Jacaranda mimosifolia</i> (Jacaranda) McIntyre St nature strip	3.0m
#3 <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Hinoki Cypress) Adjacent to south-east site corner	4.0m
#4 <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Hinoki Cypress) Adjacent to southern site boundary	4.0m
#8 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Front setback	2.0m
#9 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Front setback	2.0m
#10 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Front setback	2.0m
#14a <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	2.5m
#14b <i>Camellia sasanqua</i> x 6 (Chinese Camellia) Adjacent to southern site boundary	2.0m
#16 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	3.0m
#17 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	3.0m
#17a <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern site boundary	3.0m
#18 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	10.0m
#18a <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to southern site boundary	3.0m

Schedule	Tree/location	Radius in metres
#19	<i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	10.0m
#23	<i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	3.0m
#25	<i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in adjoining property	4.0m 2.0m
#31b	<i>Camellia japonica</i> (Japanese Camellia) Adjacent to northern site boundary	4.0m
#33	<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	4.0m
#34	<i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary in neighbouring property	

Reason: To protect existing trees during the construction phase.

15. 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.

16. 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.

17. Tree protection mulching

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

Reason: To protect existing trees during the construction phase.

18. Tree protection – avoiding soil compaction

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

Schedule

Tree/Location

- #1 *Eucalyptus pilularis* (Blackbutt)
McIntyre St nature strip
- #2 *Jacaranda mimosifolia* (Jacaranda)
McIntyre St nature strip
- #3 *Chamaecyparis obtusa 'Crippsii'* (Golden Hinoki Cypress)
Adjacent to south-east site corner
- #4 *Chamaecyparis obtusa 'Crippsii'* (Golden Hinoki Cypress)
Adjacent to southern site boundary
- #18 *Eucalyptus saligna* (Bluegum)
McIntyre St nature strip
- #19 *Eucalyptus saligna* (Bluegum)
McIntyre St nature strip
- #23 *Fraxinus 'Raywoodii'* (Claret Ash)
Adjacent to northern site boundary
- #25 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to northern site boundary in adjoining property
- #33 *Liquidambar styraciflua* (Sweet Gum)
Adjacent to northern site boundary

Reason: To protect existing trees during the construction phase.

19. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

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

20. 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
1414-LP02, 1414-LP06	jla	05/05/2008, 08/05/2008

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

- The proposed perimeter planting of native screen shrubs is to include shrub and small tree species that can attain minimum heights of 4-6 metres to provide intermediate screening and filtering of views.
- The proposed planting of *Cyathea cooperi* (Rough Barked Tree Fern) is to be substituted for another tree fern species, as *Cyathea cooperi* is an identified weed species.

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

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

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

21. 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.

22. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

23. 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.

24. 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.

25. Access for people with disabilities (residential)

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

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

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

26. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, (Unit Nos. 3, 8, 13, 19 and 24) are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

27. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval

by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater Drainage Plan by Mitchell Howes submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

28. Stormwater retention

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

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

civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

29. 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/wall 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
#2 <i>Jacaranda mimosifolia</i> (Jacaranda) McIntyre St nature strip	7.0m
#3 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to south-east site corner	4.0m
#4 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to southern site boundary	4.0m
#14b <i>Camellia sasanqua</i> x 6 (Chinese Camellia) Adjacent to southern site boundary	2.5m
#16 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	4.0m
#17 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	4.0m
#17a <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern site boundary	3.0m
#18 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	10.0m
#18a <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to southern site boundary	3.0m
#19 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	12.0m

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.

30. Noise from plant in residential zone

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

6.00 am) when measured at the boundary of the site.

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

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

31. 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.

32. 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.

33. Car parking allocation

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

Resident car spaces	74
Visitor spaces	12
Total spaces	86

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

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

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

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

34. Number of bicycle spaces

The basement car park shall be adapted to provide 10 residential bicycle spaces and 5 visitor bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

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

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

- relocation of council's trunk drainage pipe

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

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

trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

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

36. 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.

37. 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.

38. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been

consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

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

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

39. Public liability insurance – works on public land

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

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

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

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

40. 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.

41. Section 94 contribution – residential development

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

Column A	Column B
community facilities	\$28,831.32
park acquisition and embellishment works	\$712,802.14
park embellishment works	\$55,396.14
sportsgrounds works	\$98,395.21
aquatic / leisure centres	\$5,824.97
traffic and transport	\$8,218.06
section 94 Plan administration	\$7,367.07
Total contribution is:	\$916,834.91

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

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

42. 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 \$6 000.00 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	Bond value
Tree/location <i>Eucalyptus saligna</i> (Bluegum) x 2 McIntyre St nature strip	\$6,000.00

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:

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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. 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.

52. 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. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. Services

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

Reason: Provision of utility services.

63. 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.

64. Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

If permanent excavation is proposed beneath the overtop of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench and means to retain the easement and associated pipe cover are to be provided at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

Reason: To ensure structural stability.

65. 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.

66. 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.

67. Drainage to street

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

Reason: To protect the environment.

68. 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.

69. 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

- #1 *Eucalyptus pilularis* (Blackbutt)
McIntyre St nature strip
- #2 *Jacaranda mimosifolia* (Jacaranda)
McIntyre St nature strip
- #3 *Chamaecyparis obtusa* ‘Crippsii’ (Golden Hinoki Cypress)
Adjacent to south-east site corner
- #4 *Chamaecyparis obtusa* ‘Crippsii’
(Golden Hinoki Cypress)
Adjacent to southern site boundary
- #8 *Archontophoenix alexandrae* (Alexandra Palm)
Front setback
- #9 *Archontophoenix alexandrae* (Alexandra Palm)
Front setback
- #10 *Archontophoenix alexandrae* (Alexandra Palm)
Front setback
- #14a *Eucalyptus pilularis* (Blackbutt)
McIntyre St nature strip
- #14b *Camellia sasanqua* x 6 (Chinese Camellia)
Adjacent to southern site boundary
- #16 *Callistemon salignus* (Willow Bottlebrush)
McIntyre St nature strip
- #17 *Callistemon salignus* (Willow Bottlebrush)
McIntyre St nature strip
- #17a *Michelia figo* (Port Wine Magnolia)
Adjacent to southern site boundary
- #18 *Eucalyptus saligna* (Bluegum)
McIntyre St nature strip
- #18a *Camellia sasanqua* (Chinese Camellia)
Adjacent to southern site boundary
- #19 *Eucalyptus saligna* (Bluegum)
McIntyre St nature strip
- #23 *Fraxinus* ‘Raywoodii’ (Claret Ash)
Adjacent to northern site boundary
- #25 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to northern site boundary in adjoining property
- #31b *Camellia japonica* (Japanese Camellia)
Adjacent to northern site boundary
- #33 *Liquidambar styraciflua* (Sweet Gum)
Adjacent to northern site boundary
- #34 *Liquidambar styraciflua* (Sweet Gum)
Adjacent to northern site boundary in neighbouring property

Time of inspection

- Prior to commencement of works on site.
- Immediately after demolition.
- Completion of excavation works
- At three monthly intervals during construction
- At the completion of all works on site

Reason: To ensure protection of existing trees.

70. Trees on nature strip

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

Schedule

Tree/location

#6a *Eucalyptus pilularis* (Blackbutt)

McIntyre St nature strip

#14 *Schefflera actinophylla* (Umbrella Tree)

McIntyre St nature strip

Reason: To ensure protection of existing trees.

71. 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.

72. 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 *Eucalyptus pilularis* (Blackbutt)

4.0m

McIntyre St nature strip

#2 *Jacaranda mimosifolia* (Jacaranda)

7.0m

McIntyre St nature strip

#3 *Chamaecyparis obtusa 'Crippsii'* (Golden Hinoki Cypress)

4.0m

Adjacent to south-east site corner

#4 *Chamaecyparis obtusa 'Crippsii'*

4.0m

(Golden Hinoki Cypress)

Adjacent to southern site boundary

#8 *Archontophoenix alexandrae* (Alexandra Palm)

3.0m

Front setback

#9 *Archontophoenix alexandrae* (Alexandra Palm)

3.0m

Front setback

#10 *Archontophoenix alexandrae* (Alexandra Palm)

3.0m

Front setback

#14a *Eucalyptus pilularis* (Blackbutt)

2.5m

McIntyre St nature strip

#14b *Camellia sasanqua* x 6 (Chinese Camellia)

2.0m

Adjacent to southern site boundary

#16 *Callistemon salignus* (Willow Bottlebrush)

4.0m

McIntyre St nature strip

#17 *Callistemon salignus* (Willow Bottlebrush)

4.0m

McIntyre St nature strip

Schedule Tree/location	Radius from trunk
#17a <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern site boundary	3.0m
#18 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	10.0m
#18a <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to southern site boundary	3.0m
#19 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	12.0m
#23 <i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	5.0m
#25 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in adjoining property	4.0m
#31b <i>Camellia japonica</i> (Japanese Camellia) Adjacent to northern site boundary	2.0m
#33 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	4.0m
#34 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary in neighbouring property	4.0m

Reason: To protect existing trees.

73. Approved tree works

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

Schedule Tree location	Approved tree works
#5 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to southern site boundary	Removal
#6 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to southern site boundary	Removal
#6a <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	Removal
#7 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress)	Removal
#11 <i>Chamaecyparis obtusa 'Tetragonia Aurea'</i> (Golden Cypress) Front setback	Removal
#12 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Front setback	Removal
#13 <i>Chamaecyparis obtusa 'Tetragonia Aurea'</i> (Golden Cypress) Front setback	Removal
#14 <i>Schefflera actinophylla</i> (Umbrella Tree) McIntyre St nature strip	Removal
#15 <i>Jacaranda mimosifolia</i> (Jacaranda) Front setback	Removal
#20 <i>Pinus radiata</i> (Radiata Pine) Adjacent to north-east site corner	Removal
#21 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree) Adjacent to eastern site boundary	Removal
#22 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to eastern site boundary	Removal
#24 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Within building footprint	Removal

Schedule	Tree location	Approved tree works
	#26 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	Removal
	#27 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to northern site boundary	Removal
	#27a <i>Magnolia soulangeana</i> (Magnolia) Adjacent to northern site boundary	Removal
	#27b <i>Celtis sinensis</i> (Hackberry) Adjacent to northern site boundary	Removal
	#28 <i>Sapium sebiferum</i> (Chinese Tallow) Within building footprint	Removal
	#29 <i>Magnolia spp</i> (Magnolia) Within building footprint	Removal
	#31 <i>Schefflera actinophylla</i> (Umbrella Tree) Adjacent to northern site boundary	
	#31a <i>Magnolia soulangeana</i> (Magnolia) Adjacent to northern site boundary	

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

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

74. Hand excavation

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

Schedule	Tree/location	Radius from trunk
	#1 <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	4.0m
	#2 <i>Jacaranda mimosifolia</i> (Jacaranda) McIntyre St nature strip	7.0m
	#3 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to south-east site corner	4.0m
	#4 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to southern site boundary	4.0m
	#8 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Front setback	3.0m
	#9 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Front setback	3.0m
	#10 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Front setback	3.0m
	#14a <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	2.5m
	#14b <i>Camellia sasanqua x 6</i> (Chinese Camellia) Adjacent to southern site boundary	2.0m
	#16 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	4.0m
	#17 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	4.0m
	#17a <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern site boundary	3.0m
	#18 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	10.0m
	#18a <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to southern site boundary	3.0m

Schedule Tree/location	Radius from trunk
#19 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	12.0m
#23 <i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	5.0m
#25 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary in adjoining property	4.0m
#31b <i>Camellia japonica</i> (Japanese Camellia) Adjacent to northern site boundary	2.0m
#33 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary	4.0m
#34 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to northern site boundary in neighbouring property	4.0m

Reason: To protect existing trees.

75. 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
#1 <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	4.0m
#2 <i>Jacaranda mimosifolia</i> (Jacaranda) McIntyre St nature strip	7.0m
#3 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to southeast site corner	4.0m
#4 <i>Chamaecyparis obtusa 'Crippsii'</i> (Golden Hinoki Cypress) Adjacent to southern site boundary	4.0m
#14a <i>Eucalyptus pilularis</i> (Blackbutt) McIntyre St nature strip	2.5m
#14b <i>Camellia sasanqua</i> x 6 (Chinese Camellia) Adjacent to southern site boundary	2.0m
#16 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	4.0m
#17 <i>Callistemon salignus</i> (Willow Bottlebrush) McIntyre St nature strip	4.0m
#17a <i>Michelia figo</i> (Port Wine Magnolia) Adjacent to southern site boundary	3.0m
#18 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	10.0m
#19 <i>Eucalyptus saligna</i> (Bluegum) McIntyre St nature strip	12.0m
#23 <i>Fraxinus 'Raywoodii'</i> (Claret Ash) Adjacent to northern site boundary	5.0m

Reason: To protect existing trees.

76. 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.

77. 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 McIntyre St. The tree(s) used shall be a minimum 25 litres container size specimen(s):

Schedule	Quantity	Location
Tree/ species <i>Eucalyptus pilularis</i> (Blackbutt)	2	On each side of the proposed driveway

Reason: To provide appropriate landscaping within the streetscape.

78. Tree removal on nature strip

Following removal of the *Eucalyptus pilularis* (Blackbutt) and *Schefflera actinophylla* (Umbrella Tree) 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.

79. Removal of refuse

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

Reason: To protect the environment.

80. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

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

81. Registration of drainage easement

Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A registered surveyor is to certify that the pipe is wholly contained within the easement.

Reason: To protect Council's assets and the environment.

82. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No.193185M, dated 19 May 2008 have been complied with.

Reason: Statutory requirement.

83. Mechanical ventilation

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

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

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

Reason: To protect the amenity of surrounding properties.

84. 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.

85. Accessibility

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible

- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

86. 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.

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

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

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

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

88. Creation of a floodway restriction

Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create of a Restriction-on-Use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the report and plans approved under Schedule A of this consent and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as

the Authority whose consent is required to release, vary or modify the restriction.

If the report identifies the need for a training wall to keep overland flows within the easement, than a Positive Covenant is also to be created on the title which requires the wall to be maintained and kept watertight.

Reason: To protect the environment.

89. Certification of drainage works

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices
- the overland flowpath around the western side of the building has been constructed to convey the design storm through the development site
- that flood levels within the neighbouring property will not be raised as a result of the development.

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

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

Reason: To protect the environment.

90. WAE plans for stormwater management and disposal

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

- as built (reduced) surface and invert levels for all drainage pits

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

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

Reason: To protect the environment.

91. 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.

92. OSD positive covenant/restriction

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

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

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

Reason: To protect the environment.

93. CCTV report of pipe after work

Prior to issue of the Occupation Certificate, a closed circuit television inspection and report on the Council drainage pipeline traversing the site is to be undertaken by appropriate contractors and provided to Council's Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect the environment.

94. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

95. Certification of as-constructed driveway/car park – RFB

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – "Off-street car parking",
 - 2.44 metres height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement car park.

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

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

96. 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.

97. Construction of works in public road – approved plans

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

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

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

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

98. Swimming pool (part 1)

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

- C1 1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:

- (a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and
- (b) The barrier is to conform to the requirements of AS 1926 Fences and Gates for Private Swimming Pools.

Reason: To ensure the safety of children.

- 2. Any mechanical equipment associated with the swimming pool and/or spa pool shall be located in a sound-attenuating enclosure. The Principal Certifying Authority shall be satisfied that the sound levels associated with the swimming pool/spa filtration system and associated mechanical equipment do not exceed 5dB(A) at the boundaries of the site.

Reason: To protect the amenity of surrounding properties.

99. Pool overflow to sewer

Prior to issue of the Occupation Certificate a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To provide satisfactory drainage.

100. 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 .

101. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

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

102. Easement for waste collection

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

103. 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.

104. Noise control – plant and machinery

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

Reason: To protect the amenity of surrounding residents.

105. Car parking

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

These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing

Act, 1919

- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

106. Unobstructed driveways and parking areas

At all times, all driveways and parking areas shall be unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

107. Swimming pool (part 2)

At all times:

1. Access to the swimming pool must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992*.
2. Noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.
3. Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.
4. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
5. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

Reason: Health and amenity.

108. Gymnasium use

The use of the gymnasium shall be ancillary to the use of the premises as a residential flat development at all times.

Reason: To ensure that the primary use of the premises is the approved use under this application and that any other uses are ancillary to the approved use.

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.*