

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 9 JUNE 2010

Present: Janet Thomson (Chairperson)
Vince Berkhout
Stuart McDonald
Lindsay Fletcher

Staff Present: Acting General Manager (Greg Piconi)
Director Development & Regulation (Michael Miocic)
Acting Director Strategy & Environment (Antony Fabbro)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 5.00pm

APOLOGIES

File: S06347

NOTE: The General Manager, John McKee tendered an apology for non-attendance.

DECLARATIONS OF INTEREST

The Chairperson adverted to the necessity for the Ku-ring-gai Planning Panel members and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

DOCUMENTS CIRCULATED TO THE PANEL

The Chairperson adverted to the documents circulated in the Ku-ring-gai Planning Panel Members' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: Refer **GB.1 - 29 Beaconsfield Parade, Lindfield - Supplementary Report** - Attachment 20 - Previous Assessment Report - replacement of attachment in Business Paper Book No 03/10 (Pages 48 to 100).

Refer **GB.3 - Planning Proposal - Amendment to Ku-ring-gai Local Environmental Plan (Town Centres) 2010** - Report by Acting Director Strategy & Environment dated 3 June 2010.

CONFIRMATION OF MINUTESPP8 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 24 February 2010
Minutes numbered PP5 to PP7

Resolved:

That Minutes numbered PP5 to PP7 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESSPP9 **29 Beaconsfield Parade, Lindfield - Supplementary Report**

File: DA0660/09

Ward: Roseville

To address amended plans and matters raised by the Ku-ring-gai Planning Panel on 3 February 2010 and for the Ku-ring-gai Planning Panel to determine development application DA0660/09 proposing alterations and a two (2) storey addition including garage and front fence.

Resolved:

(Moved: S McDonald/V Berkhout)

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

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

CONDITIONS THAT IDENTIFY APPROVED PLANS:**1. Approved architectural plans and documentation (alterations and additions)**

The development must be carried out in accordance with work shown in colour

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

| Plan no. | Drawn by | Dated |
|--|--|--|
| NGLI-DA01, revision J, site plan | Eleven | 10 February 2010 and received by Council on 15 February 2010 |
| NGLI-DA02, revision J, ground floor plan | Eleven | 10 February 2010 and received by Council on 15 February 2010 |
| NGLI-DA03, revision I, first floor partition / roof plan | Eleven | 10 February 2010 and received by Council on 15 February 2010 |
| NGLI-DA04, revision H, elevation south/west | Eleven | 10 February 2010 and received by Council on 15 February 2010 |
| NGLI-DA05, revision I, elevation north/east | Eleven | 10 February 2010 and received by Council on 15 February 2010 |
| NGLI-DA06, revision G, section | Eleven | 10 February 2010 and received by Council on 15 February 2010 |
| NGLI-DA07, issue B, demolition plan | Eleven | 4 September 2009 and received by Council on 7 December 2009 |
| DA001-revision D, concept landscape plan | Anna King Landscape Architects Pty Ltd | 2 November 2009 and received by Council on 7 December 2009 |
| 6898, revision 2, survey | ATS Land & Engineering Surveyors Pty Ltd | 19 August 2009 and received by Council on 7 October 2009 |

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

2. Inconsistency between documents

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

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

3. Approved landscape plans

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

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

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

4. No demolition of extra fabric

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

Reason: To ensure compliance with the development consent

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**5. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

6. Notice of commencement

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

Reason: Statutory requirement.

7. Notification of builder's details

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

Reason: Statutory requirement.

8. Structural adequacy (alterations and additions)

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

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

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

9. Tree protection fencing

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

| Schedule | Radius in metres |
|--|-------------------------|
| Tree/Location | |
| #7 <i>Syncarpia glomulifera</i> (Turpentine) | 3.0m on north-east side |
| Adjacent to western side boundary in neighbouring property | 6.0m elsewhere |

Reason: To protect existing trees during the construction phase.

10. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

11. Tree protection signage

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

Tree protection zone.

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

Reason: To protect existing trees during the construction phase.

12. Tree protection mulching

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

Reason: To protect existing trees during the construction phase.

13. Tree protection – avoiding soil compaction

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

Schedule**Tree/Location**

#7 *Syncarpia glomulifera* (Turpentine)

Adjacent to western side boundary in neighbouring property

Reason: To protect existing trees during the construction phase.

14. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

15. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**16. Design changes**

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

- The overall height of the development is to be reduced by 400mm, resulting in a first floor “glass sunroof” RL of 83.49 (AHD) and a maximum skillion roof and associated parapet of RL of 83.19 (AHD).
- Fixed horizontal obscured louvres are to be erected to the outside of the entire first-floor, north-eastern window of Bedroom 1. The louvres are to be fixed at 45° and opaque.
- The bathroom/ensuite horizontal louvre windows at the north-western elevation are to have a fixed maximum opening of 45° and are to be opaque.
- The facebrick of the existing dwelling is to be maintained. Rendering or painting of the existing facebrick is not approved.
- The roof cladding of the existing dwelling shall be red terracotta tiles to match the existing dwelling.
- Where there are changes to window and door openings in the existing dwelling, all new brick work is to match the colour of the existing bricks.
- The existing front timber windows and entry doors are to be maintained. The timber joinery on the front elevation is to be repaired where necessary to match existing.
- The existing front verandah, verandah roof, side path and entrance are to be retained. A new 1 metre wide path and stair from the driveway may be provided. The landscape plan is to be amended to reflect this change.

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

Reason: To minimise environmental, amenity and streetscape impacts.

17. Amendments to approved landscape plan

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

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

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

- The proposed paved terrace centrally located within the rear garden is to be deleted and replaced with soft landscaping.
- The proposed planting of three *Brachychiton acerifolius* (Illawarra Flame Tree) is to be replaced with three *Syncarpia glomulifera* (Turpentine) and relocated so that they have a minimum setback of 3.0m from proposed retaining walls to ensure their ongoing establishment and viability.
- The proposed planting of *Melaleuca ‘Revolution Green’* is to be replaced with an evergreen shrub species such as *Murraya*, *Photinia*, *Lillypilly* hybrid that can grow to a maximum height of 4.0m.
- The proposed planting of *Acmena smithii* (Lillypilly) within the rear garden is to be relocated so that they have a minimum setback of 3.0m from

proposed retaining walls to ensure their ongoing establishment and viability.

- The proposed gravel turning bay is to be amended/reduced as per the amendments made in red on the approved landscape plan. The area removed from the turning bay is to be appropriately planted out with low shrubs.
- The retaining wall /front fence is to be relocated 1.5 metres north-west of front boundary. Existing ground levels are to be maintained forward of the retaining wall and planted out with small shrubs.
- The pedestrian entry layout within the front setback is to be amended to be consistent with Condition 16.

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

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

Reason: To ensure adequate landscaping of the site.

18. Long service levy

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

Reason: Statutory requirement.

19. Builder's indemnity insurance

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

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

Reason: Statutory requirement.

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

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

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

Reason: To protect heritage items and conservation areas.

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

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

- (i) Schedule of new drainage system components required to comply with AS3500.3 – (2003) Plumbing Code. This would typically nominate guttering and downpipe sizes and specifications, pipe and pit sizes for new drainage lines and show the location of these by way of sketch on the architectural plans issued for construction purposes.
- (ii) A plan showing the location(s) of the required rainwater storage tank(s) (of minimum volume 5m³) with manufacturer details and specifications provided for proprietary products. The design and citing of rainwater tanks shall be in accordance with Ku-ring-gai Water Management Development Control Plan No. 47, Appendix 6.
- (iii) The specifications for any pumping facilities so that retained water may be used for household purposes as required.
- (iv) A sketch plan showing the location of any new connection points to the public drainage system where proposed (e.g. at kerb, table drain, in ground pits or pipes) for Council records. The design can be designed generally in accordance with **Stormwater Drainage Layout Plan X09035 Dwg No.DA01**, dated 24/9/2009, prepared by **Brown Consultants Pty Ltd**.

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

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

22. Pier and beam footings near trees

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

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

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

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

Reason: To protect existing trees.

23. Driveway crossing levels

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

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

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

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

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

24. Drainage of paved areas

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

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

25. Vehicular access and garaging

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

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

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

26. Infrastructure restorations fee

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council

considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

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

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

Reason: To maintain public infrastructure.

27. Public liability insurance – works on public land

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

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

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

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

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

28. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and

Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

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

Reason: Statutory requirement.

29. Excavation prior to works commencing

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

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

Reason: To ensure the structural integrity of adjoining structures.

30. Approved plans to be on site

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

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

31. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

32. Demolition, excavation and construction work hours

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

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

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

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

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

33. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

34. Dust control

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

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

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

35. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

36. Guarding excavations

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

Reason: To ensure public safety.

37. Toilet facilities

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

Reason: Statutory requirement.

38. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

39A. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

39B. On site retention of waste docket

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

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

Reason: To protect the environment.

40. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken

- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

41. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

42. Services

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

Reason: Provision of utility services.

43. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

44. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of

Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

44A. Driveway trench drain at boundary

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

Reason: Stormwater control.

45. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule

Tree/Location

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

Time of inspection

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

Reason: To ensure protection of existing trees.

46. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

47. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the

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

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

Reason: To protect existing trees.

48. Approved tree works

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

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

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

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

49. Excavation near trees

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

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

Reason: To protect existing trees.

50. Hand excavation

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

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

Reason: To protect existing trees.

51. Thrust boring

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

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

Reason: To protect existing trees.

52. No storage of materials beneath trees

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

Reason: To protect existing trees.

53. Removal of refuse

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

Reason: To protect the environment.

54. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**55. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. A60565 have been complied with.

Reason: Statutory requirement.

56. Completion of landscape works

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

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

57. Certification of drainage works (alts/adds)

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

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

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

Reason: To protect the environment.

58. Reinstatement of redundant crossings and completion of infrastructure works

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

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match

surrounding adjacent infrastructure with respect to integration of levels and materials)

- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

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

Reason: To protect the streetscape.

59. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

60. Post-construction structural report

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

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

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

Reason: Management of records.

CONDITIONS TO BE SATISFIED AT ALL TIMES:**61. Noise control – plant and machinery**

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

Reason: To protect the amenity of surrounding residents.

CARRIED UNANIMOUSLY

PP10 **53 Tryon Road, Lindfield - Construction of an Attached Dual Occupancy**

File: DA0712/09

Ward: Roseville

Applicant: Birds Landscape Design and Management

Owners: Mrs Carolyn Cavanough & Mr Scott Cavanough

To determine development application No.0712/09 for construction of an attached dual occupancy.

Resolved:

(Moved: V Berkhout/S McDonald)

That the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA0712/09 for construction of an attached dual occupancy on land at 53 Tryon Road, Lindfield, for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

The conditions of consent are as follows:**Conditions that identify approved plans:****1. Approved architectural plans and documentation (new development)**

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

| Plan no. | Drawn by | Dated |
|-------------------------------|-----------------------|--|
| 01/11, amendment E, site plan | Fyffe Design Services | 15 December 2009 and received by Council on 16 December 2009 |

| Plan no. | Drawn by | Dated |
|---|---|--|
| 02/11, amendment A, site analysis | Fyffe Design Services | 14 August 2009 and received by Council on 16 December 2009 |
| 03/11, amendment D, lower ground | Fyffe Design Services | 4 December 2009 and received by Council on 16 December 2009 |
| 04/11, amendment B, ground floor | Fyffe Design Services | 8 October 2009 and received by Council on 16 December 2009 |
| 05/11, amendment B, first floor | Fyffe Design Services | 8 October 2009 and received by Council on 16 December 2009 |
| 06/11, amendment C, elevations | Fyffe Design Services | 4 December 2009 and received by Council on 16 December 2009 |
| 07/11, amendment C, elevations | Fyffe Design Services | 4 December 2009 and received by Council on 16 December 2009 |
| 08/11, amendment C, Section A-A & B-B | Fyffe Design Services | 8 October 2009 and received by Council on 16 December 2009 |
| 09/11, amendment E, section B-B & fence details | Fyffe Design Services | 15 December 2009 and received by Council on 16 December 2009 |
| L01, 1 of 6, revision F, site plan and open space | Birds Landscape Design and Management Pty Ltd | 14 December 2009 and received by Council on 16 December 2009 |
| L02, 2 of 6, revision F, photo plan | Birds Landscape Design and Management Pty Ltd | 14 December 2009 and received by Council on 16 December 2009 |
| L03, 3 of 6, revision F, landscape concept plan | Birds Landscape Design and Management Pty Ltd | 14 December 2009 and received by Council on 16 December 2009 |
| L04, 4 of 6, revision F, landscape concept elevations and sections | Birds Landscape Design and Management Pty Ltd | 14 December 2009 and received by Council on 16 December 2009 |
| L05, 5 of 6, revision F, landscape concept elevations and sections | Birds Landscape Design and Management Pty Ltd | 14 December 2009 and received by Council on 16 December 2009 |
| L06, 6 of 6, revision F, riparian zone plan, maintenance, certification and BASIX requirements plan | Birds Landscape Design and Management Pty Ltd | 14 December 2009 and received by Council on 16 December 2009 |
| MDH1719-D-01, sheet 1 of 1, contour and detail survey | Murray Hastings | 19 December 2007 and received by Council 27 October 2009 |

| Document(s) | Dated |
|---|--|
| Vegetation management plan, prepared by GIS Environmental Consultants | December 2009 and received by Council on 16 December 2009 |
| BASIX certificate, A69960 | 27 October 2009 and received by Council on 27 October 2009 |
| BASIX certificate, 240966S_04 | 14 August 2009 and received by Council on 27 October 2009 |
| Finishes board | Received by Council on 27 October 2009 |

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

2. Inconsistency between documents

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

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

3. No demolition of extra fabric

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

Reason: To ensure compliance with the development consent.

Conditions to be satisfied prior to demolition, excavation or construction:

4. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

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

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

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

Reason: To ensure the safety and protection of property.

8. Structural adequacy (alterations and additions)

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

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

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

9. Tree protection fencing

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

Schedule**No/Tree/Location**

T9/*Jacaranda mimosifolia* (Jacaranda)/Close to the site's southern corner.

Radius in metres

4 metres

Reason: To protect existing trees during the construction phase.

10. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

11. Tree protection signage

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

Tree protection zone.

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

Reason: To protect existing trees during the construction phase.

12. Trunk protection

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Schedule**No/Tree/Location**

T4/ *Syncarpia glomulifera* (Turpentine)/Adjacent to the eastern side of the carport for Residence B.

Reason: To protect existing trees during the construction phase.

13. 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.

14. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

Conditions to be satisfied prior to the issue of the construction certificate:**15. Driveway guardrail**

A suitable guardrail is to be provided that adjoins the proposed driveway turning area and parking space. The design of the guardrail, with structural engineer's certification, is to be provided with the Construction Certificate drawings for approval by the Principal Certifying Authority, prior to issue of the Construction Certificate.

Reason: To ensure safe vehicle manoeuvrability through the site.

16. Design changes

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

- The first floor bathroom and water closet windows of both Unit one and Unit two are to be of opaque glazing.
- So as to minimise glare, the roof of Unit one is to be of a dark non-

reflective colour which is compatible with the existing roof (for example, ironstone, loft or monument). A schedule of the roofing material is to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

- The retaining walls shown on the engineering plans along the front boundary are to be amended to be consistent with the approved landscape and architectural plans

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

Reason: To minimise environmental, amenity and streetscape impacts.

17. Bushfire conditions

Water and utilities

1. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006 to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Design and construction

2. The existing dwelling is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.
3. Roofing for both dwellings shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials.
4. New construction to the northern and eastern elevations shall comply with Australian Standard AS3959-1 999 Construction of buildings in bush fire-prone areas Level 3.
5. New construction to the southern and western elevations shall comply with Australian Standard AS3959-1999 Construction of buildings in bush fire-prone areas Level 2.

Landscaping

6. Landscaping to the site, except for the Riparian Restoration area as identified in the Riparian Restoration Management Plan is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

Reason: To protect against bushfire.

18. Amendments to approved landscape plan

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

| Plan no. | Drawn by | Dated |
|------------------|---|--------------|
| L01 – L06 Rev. F | Birds Landscape Design & Management Pty Ltd | 14.12.2009 |

The above landscape plans shall be amended in the following ways:

- Wet Area Riparian Zone species: *Backhousia myrtifolia* (Grey Myrtle) that is not a local riparian species shall be amended to *Tristaniopsis laurina* (Water Gum). As no vegetation is fire resistant the word resistant shall be amended to retardant on L06.
- Dry Area Riparian Zone species: *Elaeocarpus (Eucalyptus) resinifera* (Red Mahogany) shall be deleted on L06.
- 33 proposed *Hakea salicifolia* (Willow Leafed Hakea) shall be amended to a lower growing species adjacent to retaining walls and beneath the transplanted T3: *Magnolia x soulangiana* (Magnolia) on L03.

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plans have 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 Principal Certifying Authority.

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

19. Amendments to approved engineering plans

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

| Plan no. | Drawn by | Dated |
|---|--------------------------------|--------------|
| Stormwater Management Plan & Details 09576-1 Rev. 'G' | J.C. LIND & Associates Pty Ltd | 15/12/2009 |

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

- the overflow from the rainwater tank for the existing dwelling shall have a separate outlet to the street.

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

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

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

20. 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.

21. 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.

22. 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 the materials board received by Council and dated 27 October 2009.

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 prior to the issue of the construction certificate.

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

23. 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 Management Plan & Details 09576-1 Rev. 'G' dated 15/12/2009** prepared by **J.C. LIND & Associates Pty Ltd** submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

24. Stormwater retention / detention

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.

25. Excavation for services

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

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

Reason: To ensure the protection of trees.

26. Paving near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that paving works within the specified radius of the trunk/s of the following tree/s will be of a type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained:

| Schedule No/Tree/Location | Radius from trunk |
|--|-------------------|
| T4/ <i>Syncarpia glomulifera</i> (Turpentine)/Adjacent to the eastern side of the carport for Residence B. | 4 metres |

Note: Details of the paving prepared by a suitably qualified professional shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

27. Screen planting plan

Screen planting to a mature height of 1.5 metres is to be provided along the western boundary of the private open space area of Unit 1. A plan detailing the screen planting shall be submitted to the Principal Certifying Authority and

approved by a Landscape Architect or qualified Landscape Designer prior to release of the Construction Certificate.

Reason: To ensure adequate privacy.

28. Drainage of paved areas

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

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

29. Vehicular access and garaging

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

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

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first):

30. 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.

31. 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

32. Section 94 Contribution – Residential Development (New Construction)

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 (Amendment 2) for the services detailed in column A and for the amount detailed in Column B is required.

| Column A | Column B |
|--|--------------------|
| CommUnity facilities (district) | \$1,178.12 |
| Park acquisition and embellishment works | \$27,606.87 |
| Park embellishment works | \$2,269.58 |
| Sportsgrounds works | \$4,031.26 |
| Aquatic / leisure centres | \$238.65 |
| Traffic and transport | \$336.69 |
| Section 94 Plan administration | \$301.83 |
| Total contribution is: | \$35,963.01 |

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of a Construction Certificate (whichever comes first). The contributions may vary at the time of payment in accordance with the Contributions Plan to reflect changes in the consumer price index and the housing price index. Prior to payment, you are advised to verify the contribution amount required with Council. Copies of Council's Contributions Plans can viewed at the Council Chambers at 818 Pacific Hwy Gordon or on Council's website at www.kmc.nsw.gov.au

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

Conditions to be satisfied during the demolition, excavation and construction phases:

33. 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.

34. Demolition, excavation and construction work hours

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

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

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

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

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

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. Guarding excavations

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

Reason: To ensure public safety.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. Grated drain at garage

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

Reason: Stormwater control.

50. Driveway trench drain at boundary

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

Reason: Stormwater control.

51. 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 CoOrdinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

52. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule**No/Tree/Location**

T4/*Syncarpia glomulifera* (Turpentine)/Adjacent to the eastern side of the carport for Residence B.

Time of inspection

Carport footing excavation and roof construction stages.

Reason: To ensure protection of existing trees.

53. Trees on nature strip

Removal 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**No/Tree/Location**

T2/*Acacia elata* (Cedar Wattle)/On Council's Tryon Road nature strip.

T13/*Eucalyptus sp.* (Gum)/On the Tryon Road nature strip adjacent to the site's north-eastern corner.

Reason: To ensure protection of existing trees.

54. Temporary groundcover

On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species.

Reason: To protect the environment.

55. Stockpiling of top soil

Top soil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil must be located outside drainage lines and tree canopies and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days, stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.

Reason: To protect the environment.

56. Vegetating steep slopes

Constructed slopes greater than 1:3 gradient shall be vegetated immediately after earthworks are completed.

Reason: To protect the environment.

57. Approved tree works

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

Schedule**No/Tree/Location****Approved tree works**

T1: *Photinia glabra* 'Rubens' (Hawthorn)/Adjacent to the centre of the site's Tryon Road boundary.

Remove shrub

T5: *Eucalyptus saligna* (Sydney Blue Gum)/6 metres of
T4: *Syncarpia glomulifera* (Turpentine).

Remove tree

T6: *Hymenosporum flavum* (Native Frangipani)/4 metres south of T4: *Syncarpia glomulifera* (Turpentine).

Remove tree

T7: *Pittosporum undulatum* (Sweet Pittosporum)/Centrally along the site's riparian zone.

Remove dead tree

T8: *Brachychiton acerifolius* (Flame Tree)/Towards the southern end of the site's riparian zone.

Remove tree

T12: *Toona ciliata* (Red Cedar)/Adjacent to the north-eastern corner of the site's riparian zone.

Remove tree

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

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

58. 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.

59. Tree removal on nature strip

Following removal of the *Acacia elata* (Cedar Wattle) and *Eucalyptus sp.* (Gum) 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.

60. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Schedule**No/Species/From**

T3/*Magnolia x soulangiana*
(Magnolia)/Driveway site.

To

The existing position of T1.

Platycerium bifurcatum (Elkhorn)/On T7:
Pittosporum undulatum (Sweet Pittosporum)

On T10: *Casuarina*
cunninghamiana (River Oak)

Pyrrosia rupestris (Rock Felt-fern)/ On T7:
Pittosporum undulatum (Sweet Pittosporum)

On T10: *Casuarina*
cunninghamiana (River Oak)

Reason: To protect the trees during transplanting.

61. 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.

62. 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.

63. Removal of noxious plants & weeds

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

Schedule**Plant species**

Acetosa sagittata (Turkey Rhubarb)
Ageratina adenophora (Crofton Weed)
Anallaxis arvensis (Scarlet Pimpernel)
Anredera cordifolia (Madeira Vine)
Asparagus densiflorus (Asparagus Fern)
Bidens pilosa (Cobblers Peg)
Bromus catharticus (Prairie Grass)
Carduus nutans (Nodding Thistle)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Conyza bonariensis (Fleabane)
Crassophelum leptophyllum (Slender Celery)
Ehrharta erecta (Ehrharta)
Euphorbia peplus (Petty Spurge)

Schedule**Plant species**

Hedychium gardnerianum (Ginger lily)
Nephrolepis cordifolia (Fishbone fern)
Nothoscordum borbonicum (Onion Weed)
Ochna serrulata (Ochna)
Phytolacca octandra (Ink Weed)
Setaria palmifolia (Palm Grass)
Senna pendula (Cassia)
Solanum nigrum (Blackberry Night-shade)
Stellaria media (Chickweed)
Tradescantia albiflora
Tropaeolum majus (Nasturtium)

Reason: To protect the environment.

64. On site retention of waste dockets

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

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

Reason: To protect the environment.

Conditions to be satisfied prior to the issue of an Occupation Certificate:**65. 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. A69960 & 240966S_04 have been complied with.

Reason: Statutory requirement.

66. 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.

67. 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.

68. 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.

69. Certification of drainage works (dual occupancies and above)

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

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

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

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

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

Reason: To protect the environment.

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

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

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

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

Reason: To protect the environment.

71. 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 Kuring-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.

72. 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.

73. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

Conditions to be satisfied at all times:**74. Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

1. At the commencement of building works and in perpetuity the eastern portion of the site shall be managed in accordance with the

Riparian Restoration and Management Plan by Birds Landscape Design and Management Pty Ltd dated 14/12/2009,

2. At the commencement of building works and in perpetuity all other parts of the property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Services document Standards for asset protection zones.

Reason: to protect against bushfire

75. 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.

CARRIED UNANIMOUSLY

PP11 **Planning Proposal - Amendment to Ku-ring-gai Local Environmental Plan (Town Centres) 2010**

Files: S06347 & S06523

For the Ku-ring-gai Planning Panel to consider a planning proposal to rectify an error in relation to the incorrect heritage listing of 20 Park Crescent, Pymble in Ku-ring-gai Local Environmental Plan (Town Centres) 2010.

Resolved:

(Moved: S McDonald/V Berkhout)

- A. That the Ku-ring-gai Planning Panel in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* (as amended) initiate a draft Local Environmental Plan to remove the incorrect heritage listing of 20 Park Crescent, Pymble in Schedule 5 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
- B. That the General Manager be granted delegation to prepare and submit the planning proposal to the Minister for Planning to remove the incorrect heritage listing of 20 Park Crescent, Pymble (SP 78827; Lot 1, DP 1124625) in Schedule 5 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010 and that the planning proposal include the following:

- i. A statement of the objectives or intended outcomes of the proposed instrument;
 - ii. An explanation of the provisions that are to be included in the proposed instrument;
 - iii. The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 117); and
 - iv. Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- C. That the planning proposal be placed on public exhibition in accordance with the requirements of any gateway determination issued by the NSW Department of Planning.
- D. That a report be brought back to the Ku-ring-gai Planning Panel at the conclusion of the exhibition period.

CARRIED UNANIMOUSLY

The Meeting closed at 5.05pm

The Minutes of the Ku-ring-gai Planning Panel held on 9 June 2010 (Pages 1 - 50) were confirmed as a full and accurate record of proceedings on 23 June 2010.

Chairperson