

## MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 9 APRIL 2008

Present: Elizabeth Crouch (Chairperson)  
Vince Berkhout  
Bill Tsakalos

Staff Present: General Manager (John McKee)  
Manager Development Assessment Services (Corrie Swanepoel)  
Senior Governance Officer (Geoff O'Rourke)

*The Meeting commenced at 5.02pm*

### PP14 **APOLOGIES**

File: S06347

Ms Kerry Bedford tendered an apology for non-attendance and requested leave of absence.

NOTE: Director Development & Regulation tendered an apology for non-attendance.

#### **Resolved:**

That the apology by Ms Kerry Bedford for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

### **DECLARATIONS OF INTEREST**

The Chairperson adverted to the necessity for 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:

- Memorandum by Executive Planner dated 9 April 2008 in reference to Recommendations 19A, 94, 95 & 96 of the Officer's report.

**CONFIRMATION OF MINUTES**PP15 **Minutes of Ku-ring-gai Planning Panel**

File: S006347

Meeting held 26 March 2008  
Minutes numbered PP9 to PP13

**Resolved:**

(Moved: Vince Berkhout/Chairperson, Elizabeth Crouch)

That Minutes numbered PP9 to PP13 circulated to Ku-ring-gai Planning Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**PP16 **1 to 3 Duff Street & 17 Lamond Drive, Turramurra**

File: DA0462/07

Ward: Comenarra

To refer the application back to the Planning Panel following design amendments to enable the development to comply with Council's limit on floor area of top storey and steep slope site provisions

**Resolved:**

(Moved: Bill Tsakalos/Vince Berkhout)

- A. That the Ku-ring-gai Planning Panel, as the consent authority, is satisfied that the objection under State Environmental Planning Policy No.1 – Development Standards to the provisions of clause 251(3) (minimum street frontages) of Ku-ring-gai Planning Scheme Ordinance is well founded. The Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case owing to the site constraints and that the proposal is consistent with the underlying objectives of the control and that the non-compliance will have no discernable effect on the surrounding area.
- B. That the Ku-ring-gai Planning Panel, as the consent authority, being satisfied that the objection under SEPP No.1 is well founded and also being of the opinion that the granting of consent to DA 462/07 is consistent with the aims of the Policy, grant development consent to DA 462/07 for demolition and construction of a residential flat building containing 58 apartments, basement car parking, landscaping and associated site and footpath works, on land at 1-3 Duff Street

and 17 Lamond Drive, Turramurra, for a period of two(2) years from the date of the Notice of Determination, subject to the following conditions:

### CONDITIONS THAT IDENTIFY APPROVED PLANS:

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

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

<b><i>Plan no.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
DA01 Issue C,	Winter Group Architects	31/3/08
DA02 Issue I,	Winter Group Architects	31/3/08
DA03 Issue I,	Winter Group Architects	31/3/08
DA04 Issue I,	Winter Group Architects	31/3/08
DA05 Issue J,	Winter Group Architects	31/3/08
DA06 Issue K,	Winter Group Architects	31/3/08
DA07 Issue I,	Winter Group Architects	31/3/08
DA08 Issue I,	Winter Group Architects	31/3/08
DA09 Issue I,	Winter Group Architects	31/3/08
DA10 Issue H,	Winter Group Architects	31/3/08
DA11 Issue F,	Winter Group Architects	31/3/08
DA12 Issue G,	Winter Group Architects	31/3/08
DA13 Issue G,	Winter Group Architects	31/3/08
DA14 Issue G,	Winter Group Architects	31/3/08
External colour schedule	Winter Group Architects	22/3/07
Survey Plan Job Reference 29727DT	Lockley Land titles solutions	1-09-06

<b><i>Document(s)</i></b>	<b><i>Dated</i></b>
Statement of Environmental Effects Volume A & B and as revised.	May 2007
Geotechnical report prepared by Jeffery & Katauskas	4 May 2007
Arboricultural Report prepared by David Ford of Treescan	November 2006
Traffic Report prepared by CBHK P/L	May 2007
BASIX Report prepared by Gat and Associates	
Construction Management Plan prepared by Mville Pty Ltd	May 2007
BCA Report and Design Certificates	26/04/07
Access Report prepared by Disability Access Consultants	28 May 2007
Flora and Fauna Report prepared by Gunninah Environmental Consultants	May 2007
Bushfire Hazard Report prepared by FPA	March 2007

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

## 2. Inconsistency between documents

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

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

## 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:

<i>Plan nos.</i>	<i>Drawn by</i>	<i>Dated</i>
LA-cc01, LA-cc05 & LA-cc06 Issue B Cover Sheet, LA-cc02, LA-cc03 & LA-cc04 Issue C of Job No: 656cc	Bill Muir Consulting Landscape Architect	7 September 2007 7 November 2007

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

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

### 4. Notice of commencement

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

**Reason:** Statutory requirement.

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

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

### 6. Public infrastructure

- Full road pavement width, including kerb and gutter, of Duff Street over the site frontage and to the Pacific Highway intersection.
- All driveway crossings and laybacks opposite the subject site, including the entrance to the shopping centre car park.

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

infrastructure caused as a result of the development.

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

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

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

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

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

**Address**

- 1A and 5 Duff Street
- 7, 8 and 15 Lamond Drive

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

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

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

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

#### 8. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of four cored boreholes to at

least 1 metre below the proposed basement level, as recommended in the report by Jeffery and Katauskas. The report is to address such matters as:

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

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

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

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

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

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

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

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

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

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

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

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

No construction vehicle access is to be obtained from Lamond Drive unless previously approved in writing by Council.

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

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

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

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

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

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

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

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

**10. Work zone**

If a works zone is proposed, the applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for

the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

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

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

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

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

#### 11. Sediment controls

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

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

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

#### 12. Tree protection fencing

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

##### **Schedule**

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

16/ *Eucalyptus saligna* (Sydney Blue Gum)  
Abutting the northern end of the site's south-western boundary.

##### **Radius in metres**

5 metres



**Schedule****Tree/location****Radius in metres**

40/ *Michelia figo* (Port Wine Magnolia)

4 metres

Adjacent to, and towards the north-eastern end of, the site's Duff Street boundary.

41/ *Eucalyptus saligna* (Sydney Blue Gum)

5 metres

Close to, and towards the north-eastern end of, the site's Duff Street boundary.

46/ *Bauhinia variegata* (Butterfly Bush)

3 metres

Adjacent to, and near the south-eastern end of, the site's eastern boundary.

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

**Tree protection fencing excluding structure**

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

**Schedule****Tree/location****Radius in metres**

32/ *Eucalyptus paniculata* (Grey Ironbark)

5 metres

Straddling the boundary between the site and No. 15 Lamond Drive just south of its change in direction.

48/ *Angophora floribunda* (Rough barked Apple)

5 metres

Close to the centre of the site's Duff Street boundary.

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

**13. Tree Protective Fencing Type Galvanised Mesh**

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

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

**14. Tree protection signage**

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

- tree protection zone

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

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

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

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

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

#### **16. Tree 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.

#### **17. Seed bank**

No work shall commence until seed and other plant material from indigenous plants on the site is collected from the site for use in subsequent landscape works. Plant propagation seed is to be collected, stored and propagated by a qualified bush regenerator.

**Reason:** To preserve existing indigenous plant species.

#### **18. 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:**

**19. 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.

**20. Site consolidation**

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

**Reason:** This condition is imposed to ensure continuous structures will not be placed across separate titles.

**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 with the surrounding area and external colour schedule, as noted in condition 1. Nothing

in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

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

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

### 23. Outdoor lighting

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

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

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

### 24. Access for people with disabilities (residential)

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

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

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

### 25. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, six (6) units, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

**Reason:** Disabled access & amenity.

## 26. Stormwater management plan

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

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

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater drainage plans by Lipscombe & Associates dated September 2007 submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

## 27. Stormwater retention

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

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

**Reason:** To protect the environment.

## 28. Pier & beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the approved RETAINING WALL will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

### Schedule

#### No/Tree/location

#### Radius in metres

32/ <i>Eucalyptus paniculata</i> (Grey Ironbark) Straddling the boundary between the site and No. 15 Lamond Drive just south of its change in direction.	5 metres
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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.

## 29. Location of plant (residential flat buildings)

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

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

**Reason:** To minimise impact on surrounding properties, improved visual

appearance and amenity for locality.

### 30. Driveway crossing levels

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

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

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

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

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

### 31. Driveway grades – basement car parks

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

- vehicular access can be obtained using grades of 25% (1 in 4) maximum (20% where access for the small waste collection vehicle is required) and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

### 32. Basement car parking details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- a traffic signal system is provided for the one way ramps as recommended in the report by Colston Budd Hunt & Kafes
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans.

The driveway access is to be shifted 1.2 metres to the south west and angled as recommended in the report by Colston Budd Hunt & Kafes.

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

### 33. Car parking allocation

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

<b>Resident car spaces</b>	<b>84</b>
<b>Visitor spaces</b>	<b>31</b>
<b>Total spaces</b>	<b>115</b>

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

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



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

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

#### **34. Number of bicycle spaces**

The basement car park shall be adapted to provide 18 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

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

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

- Installation of 120 metres of 375mm diameter concrete pipe to connect the site stormwater drainage with Council's existing kerb inlet pit near Allan Avenue.
- Regrading of Council's nature strip to accommodate a 1.2 metre wide footpath generally as shown on Bill Muir Landscape Plans dated September 2007.

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

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Kuring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended

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

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

### **36. Energy Australia requirements**

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

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

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

### **37. Utility provider requirements**

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

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

### **38. Underground services**

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

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

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

**39. Construction stage parking restrictions**

The applicant is to install 'No Parking' signs along Duff Street for the site frontage and as far as Allan Avenue which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development nearby, the maintenance and subsequent removal of any signs would be carried over to the other developer.

**Reason:** To maintain vehicular access in Duff Street.

**40. Infrastructure restorations fee**

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

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

e) In this condition:

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

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

**Reason:** To maintain public infrastructure

#### 41. Section 94 contribution – residential development

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

<b>Column A</b>	<b>Column B</b>
community facilities	\$1,117.76
park acquisition and embellishment works	\$4,723.00
sportsgrounds works	\$1,318.32
aquatic / leisure centres	\$27.82
traffic and transport	\$150.28
section 94 Plan administration	\$100.04
<b>TOTAL</b>	<b>\$7,437.22</b>

Total x Occupancy Rate for size of dwelling

#### **Occupancy Rate:**

Small dwelling: 1.27 persons x \$7437.22 =	\$9,445.28
Medium dwelling: 1.78 persons x \$7437.22 =	\$13,238.26
Large dwelling: 2.56 persons x \$7437.22 =	\$19,039.30
Very large dwelling: 3.48 persons x \$7437.22 =	\$25,881.54

#### **Application of Occupancy Rate**

Small dwelling: 4 x \$9445.28 =	\$37,781.12
Medium dwelling: 40 x \$13,238.26 =	\$529,530.40
Large dwelling: 10 x \$19,039.30 =	\$190,393.00
Very large dwelling: 4 x \$25,881.54 =	\$103,526.16
<b>TOTAL =</b>	<b>\$861,230.68</b>

Credit for existing development: 3 x \$25,881.54 = **\$77,644.62**

**TOTAL – CREDIT = \$861,230.68 - \$77,644.62 = \$783,586.06**

**Total contribution is: \$783,586.06**

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

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

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

#### **42. 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.

#### **43. Engineering fees**

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

**Reason:** To protect public infrastructure.

#### **44. 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.

**45. 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.

**46. Demolition, excavation and construction work hours**

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

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

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

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

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

**47. Construction noise**

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

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

**48. Site notice**

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

The site notice must:

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

**Reason:** To ensure public safety and public information.

#### **49. Dust control**

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

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

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

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

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

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

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

**Reason:** Management of records.

#### **51. Further geotechnical input**

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

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

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

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

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

#### **53. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the



right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **54. 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.

#### **55. 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.

#### **56. 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.

#### **57. 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.

#### **58. Construction signage**

All construction signs must comply with the following requirements:

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

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

#### **59. Approval for rock anchors**

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

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

#### **60. Maintenance period for works in public road**

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

**Reason:** To protect public infrastructure.

#### **61. 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

**62. Road repairs necessitated by excavation and construction works**

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

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

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

**Reason:** To protect public infrastructure.

**63. Services**

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

**Reason:** Provision of utility services.

**64. Temporary rock anchors**

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

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during

- future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

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

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

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

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

#### **66. Erosion control**

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

**Reason:** To protect the environment from erosion and sedimentation.

#### **67. Drainage to street**

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

**Reason:** To protect the environment.

**68. 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.

**69. 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](http://www.sydneywater.com.au) then the “e-develop” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

**70. Arborist’s report**

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

**Schedule****No/Tree/location**

32/ *Eucalyptus paniculata* (Grey Ironbark)  
Straddling the boundary between the subject site and No. 15 Lamond Drive just south of its change in direction.

**Time of inspection**

Demolition and drainage excavations.

40/ *Michelia figo* (Port Wine Magnolia)  
Adjacent to, and towards the north-eastern end of, the site’s Duff Street boundary.

Demolition and drainage excavations.

41/ *Eucalyptus saligna* (Sydney Blue Gum)  
Close to, and towards the north-eastern end of, the site’s Duff Street boundary.

Demolition and drainage excavations.

46/ *Bauhinia variegata* (Butterfly Bush)  
Adjacent to, and towards the south-eastern end of, the site’s north-eastern boundary.

Demolition and drainage excavations.

**Schedule****No/Tree/location**

48/*Angophora floribunda* (Rough barked Apple)  
Close to the centre of the site's Duff Street  
boundary.

**Time of inspection**

Demolition, driveway  
excavation, drainage line  
excavations.

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

**71. 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****Tree/location**

All trees growing on the Duff Street nature strip forward of Nos 1 and 3 Duff Street and 1 *Pittosporum undulatum* (Sweet Pittosporum) growing forward of the southern corner of No. 1416 Pacific Highway.

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

**72. 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.

**73. 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.

**74. Vegetating steep slopes**

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

**Reason:** To protect the environment.

**75. Treatment of tree roots**

If tree roots are required to be severed for the purposes of constructing the

approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate.

**Reason:** To protect existing trees.

#### 76. Cutting of tree roots

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

##### Schedule

##### Tree/location

##### Radius from trunk

16/ *Eucalyptus saligna* (Sydney Blue Gum)

5 metres

Abutting the north-western end of the site's south-western (side) boundary.

32/ *Eucalyptus paniculata* (Grey Ironbark)

5 metres

Straddling the boundary between the subject site and No. 15 Lamond Drive just south of its change in direction.

40/ *Michelia figo* (Port Wine Magnolia)

4 metres

Adjacent to, and towards the north-eastern end of, the site's Duff Street boundary.

41/ *Eucalyptus saligna* (Sydney Blue Gum)

5 metres

Close to, and towards the north-eastern end of, the site's Duff Street boundary.

46/ *Bauhinia variegata* (Butterfly Bush)

3 metres

Adjacent to, and towards the south-eastern end of, the site's north-eastern (side) boundary.

48/ *Angophora floribunda* (Rough barked Apple)

4 metres

Close to the centre of the site's Duff Street boundary.

**Reason:** To protect existing trees.

#### 77. Approved tree works

Approval is given for the following works to be undertaken to trees on the site in accordance with the Tree Report prepared by Treescan and dated November, 2006:

##### Schedule

##### Trees/location

##### Approved tree works

Nos 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 29, 30, 34, 35, 37, 38, 39, 45, 49, 50, 51, 52, 52A, 53, 54, 55, 56, 57, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88.

Remove trees for the construction of the buildings, infrastructures and landscape works.

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

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

#### 78. Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) for the installation of stormwater drainage pits shall be hand dug:

##### Schedule

<b>Tree/location</b>	<b>Radius from trunk</b>
32/ <i>Eucalyptus paniculata</i> (Grey Ironbark) Straddling the boundary between the subject site and No. 15 Lamond Drive just south of its change in direction.	5 metres
41/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to, and towards the north-eastern end of, the site's Duff Street boundary.	5 metres
48/ <i>Angophora floribunda</i> (Rough barked Apple) Close to the centre of the site's Duff Street boundary.	4 metres

**Reason:** To protect existing trees.

#### 79. Thrust boring

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

##### Schedule

<b>Tree/location</b>	<b>Radius from trunk</b>
32/ <i>Eucalyptus paniculata</i> (Grey Ironbark) Straddling the north-western boundary between the site and No. 15 Lamond Drive just south of its change in direction.	5 metres
41/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to, and towards the north-eastern end of, the site's Duff Street boundary.	5 metres
48/ <i>Angophora floribunda</i> (Rough barked Apple) Close to the centre of the site's Duff Street boundary.	5 metres

**Reason:** To protect existing trees.

#### 80. 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.

#### 81. Tree removal on nature strip

Following removal of the (enter tree species) 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.

#### 82. 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.

#### 83. 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.

#### 84. 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**

##### **Subject site:**

*Acer negundo* (Box Elder)  
*Ageratina adenophora* (Crofton Weed)  
*Asparagus asparagoides* (Bridal Creeper)  
*Asparagus asparagoides* (Bridal Creeper)  
*Celtis australis* (Nettle Tree)  
*Chlorophytum comosum* (Spider Plant)  
*Cinnamomum camphora* (Camphor laurel)  
*Cotoneaster sp.* (Cotoneaster)  
*Erigeron karvinskianus* (Seaside Daisy)  
*Hedera helix* (English Ivy)  
*Impatiens balsamina* (Impatiens)  
*Jasminum polyanthum* (Jasminum)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Lonicera japonica* (Honeysuckle)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Olea europaea subsp. africana* (African Olive)  
*Phyllostachys sp.* (Rhizomatous Bamboo)

*Ranunculus repens* (Creeping Buttercup)  
*Rubus fruticosus* (Blackberry)  
*Senna pendula* (Cassia)  
*Solanum mauritianum* (Wild Tobacco)  
*Tradescantia albiflora*  
*Wisteria sp.* (Wisteria Vine)

**Duff Street nature strip:**

*Asparagus asparagoides* (Bridal Creeper)  
*Asparagus densiflorus* (Asparagus Fern)  
*Chlorophytum comosum* (Spider Plant)  
*Cinnamomum camphora* (Camphor laurel)  
*Cotoneaster sp.* (Cotoneaster)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Ochna serrulata* (Ochna)  
*Olea europaea subsp. africana* (African Olive)

**Lamond Drive nature strip:**

*Araujia hortorum* (Moth Vine)  
*Asparagus densiflorus* (Asparagus Fern)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ochna serrulata* (Ochna)  
*Olea europaea subsp. africana* (African Olive)  
*Tradescantia albiflora*

**Reason:** To protect the environment.

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

**85. Permanent parking restrictions**

The applicant is to install "No Parking" signs along the Duff Street frontage of the site and south west as far as Allan Avenue. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the issue of the Occupation Certificate.

**Reason:** To maintain vehicular access in Duff Street.

**86. 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. 131939M have been complied with.

**Reason:** Statutory requirement.

**87. 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.

#### **88. Accessibility**

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

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

**Reason:** Disabled access & services.

#### **89. 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.

#### **90. 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.

#### **91. 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.

**92. 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.

**93. Basement pump-out maintenance**

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

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

**Reason:** To protect the environment.

**94. OSD positive covenant/restriction**

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

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

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

**Reason:** To protect the environment.

**95. 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.

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

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

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

A traffic signal system has been implemented for the one way ramps, and the entry/ exit driveway and vehicular crossing have been shifted 1.2

metres to the south west as recommended in the report by Colston Budd Hunt & Kafes to avoid the speed hump.

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

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

#### **97. 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.

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

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

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

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

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

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

#### **99. Outdoor lighting**

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

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

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

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

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

**CARRIED UNANIMOUSLY**

PP17 **5 to 11 Turramurra Avenue, Turramurra - Demolition & Construction of a Residential Flat Building (30 Units), Basement Parking & Landscaping**

File: DA1104/07

Ward: Wahroonga

Applicant: Auspac Projects (Turramurra) Pty Ltd

Owners: EMT Chai & G T Hoang, Mr K W Belcher, Superannuation Managements Pty Ltd,  
Mr P L Taubman

**The following members of the public addressed the Planning Panel:**

**B Tanner  
A Minto**



To determine development application No.1104/07, that seeks development consent for demolition of existing structures and construction of a residential flat building containing 30 units, basement car parking and landscaping.

### **Resolved:**

(Moved: Vince Berkhout/Bill Tsakalos)

That the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA 1104/07 for demolition of existing structures and construction of a residential flat building (30 units), basement parking and landscaping and lot consolidation on land at Nos. 5 – 11 Turramurra Avenue, Turramurra, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

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

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

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

<b><i>Plan no.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
DA1.02/A	Brewster Murray	FEB 2008
DA1.03/A	Brewster Murray	FEB 2008
DA1.09/A	Brewster Murray	FEB 2008
DA2.01/A	Brewster Murray	FEB 2008
DA2.02/A	Brewster Murray	FEB 2008
DA2.02/A	Brewster Murray	FEB 2008
DA2.03/A	Brewster Murray	FEB 2008
DA2.04/A	Brewster Murray	FEB 2008
DA3.01/A	Brewster Murray	FEB 2008
DA1.04/A	Brewster Murray	FEB 2008
DA1.05/A	Brewster Murray	FEB 2008
DA1.06/A	Brewster Murray	FEB 2008
DA1.07/A	Brewster Murray	FEB 2008

<b><i>Document(s)</i></b>	<b><i>Dated</i></b>
Finish and colour schedule	NOV 2007
Basix Certificate No. 188541M	26 March 2008
Fence details emailed to Council on 27 Feb. 2008 drw. No. SK.01	MAR 2008

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

#### **2. Inconsistency between documents**

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

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

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

#### **3. Notice to be given prior to demolition or excavation**

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

**Reason:** Statutory requirement.

#### **4. Notice of commencement**

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

**Reason:** Statutory requirement.

#### **5. Notification of builder's details**

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

**Reason:** Statutory requirement.

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

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

##### **Public infrastructure**

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

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

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

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

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

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

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

### Address

- 3 Turramurra Avenue and 1 Nulla Nulla Street
- tennis court at 1a Turramurra Avenue

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

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

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

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

## 8. Construction and traffic management plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **8A. No Parking in Nulla Nulla Street**

The applicant is to amend the 'No Parking' restriction in Nulla Nulla Street to be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and replacement of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development nearby, the maintenance and subsequent removal of any signs would be carried over to the other developer.

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

#### **9. Work zone**

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

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

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the

adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

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

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

## 10. Erosion and drainage management

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

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

## 11. Tree protection fencing

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

### Schedule

Tree/location	Radius in metres
#1 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Turramurra Ave nature strip	2.0m
#2 <i>Eucalyptus pilularis</i> (Blackbutt) Turramurra Ave nature strip	2.0m east and west 4.0m elsewhere
#3 <i>Jacaranda mimosifolia</i> (Jacaranda) Turramurra Ave nature strip	2.0m east and west 5.0m elsewhere
#4 <i>Callistemon salignus</i> (Willow Bottlebrush) Turramurra Ave nature strip	2.0m east and west 4.0m elsewhere
#5 <i>Callistemon salignus</i> (Willow Bottlebrush) Turramurra Ave nature strip	2.0m east and west 4.0m elsewhere
#6 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turramurra Ave nature strip	2.0m east and west 8.0m elsewhere
#7 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turramurra Ave nature strip	2.0m
#8 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to western site boundary	2.0m on eastern side 4.0m elsewhere
#10 <i>Eucalyptus haemastoma</i> (Scribbly Gum) Adjacent to southern site boundary	3.5m
#11 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	3.0m

**Schedule**

<b>Tree/location</b>	<b>Radius in metres</b>
#12 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to southwest site corner	5.0m
#15 <i>Murraya paniculata</i> (Orange Jessamine) Adjacent to south-east site corner	3.0m
#19 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Adjacent to western site boundary	2.0m
#20 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	3.0m
#21 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	2.0m
#26 <i>Archontophoenix aexandrae</i> (Alexandra Palm) Adjacent to eastern site boundary	2.0m
#29 <i>Celtis sinensis</i> (Chinese Nettle Tree) Adjacent to eastern site boundary	4.0m
#30 <i>Chamaecyparis obtusa</i> 'Crippsii' Golden Hinoki Cypress) Adjacent to eastern site boundary	4.0m
#32 <i>Celtis sinensis</i> (Chinese Nettle Tree) Adjacent to eastern site boundary	4.0m
#34 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to north-west site corner	7.0m
#35 <i>Quercus palustris</i> (Pin Oak) Nulla Nulla St nature strip	2.0m north and south 5.0m elsewhere
#37a <i>Pistacia chinensis</i> (Chinese Pistacio) Nulla Nulla St nature strip	2.0m north and south 6.0m elsewhere
#41 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-west site corner	4.0m
#42 <i>Magnolia soulangeana</i> (Magnolia) Adjacent to north-west site corner	3.5m
#43 <i>Malus floribunda</i> (Crabapple) Adjacent to north-west site corner	3.0m
#44 <i>Metasequoia glyptostroboides</i> (Dawn Redwood) Adjacent to north-west site boundary	2.0m

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

## 12. Tree protection fencing excluding structure

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

**Schedule**

<b>Tree/location</b>	<b>Radius in metres</b>
#37 <i>Fraxinus</i> 'Raywood' (Claret Ash) Nulla Nulla St nature strip	5.0m

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

### 13. Tree protective fencing type galvanised mesh

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

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

### 14. Tree protection signage

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

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

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

### 15. Tree protection mulching

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

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

### 16. Tree protection to avoid soil compaction

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

#### **Schedule**

#### **Tree/Location**

#34 *Cedrus atlantica* (Atlantic Cedar)

Adjacent to north-west site corner

#35 *Quercus palustris* (Pin Oak)

Nulla Nulla St nature strip

#37 *Fraxinus 'Raywood'* (Claret Ash)



Nulla Nulla St nature strip  
 #37a *Pistacia chinensis* (Chinese Pistacio)  
 Nulla Nulla St nature strip

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

#### 17. Tree fencing inspection

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

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

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

#### 18. Consolidation of lots

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

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

#### 19. Amendments to architectural and landscape plans - fencing

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
LA01 Rev C	Taylor Brammer	13/02/08
DA1.04/A	Brewster Murray	Feb 2008
DA2.01, DA2.02, DA2.04	Brewster Murray	Oct 2007

The above plans shall be amended in the following ways:

- The proposed perimeter fence adjacent to the Turramurra Ave and Nulla Nulla St frontages shall be constructed as an isolated pier and lightweight infill design (no masonry base infill) to a maximum height of 1.2m.
- The proposed pedestrian entry structure from Turramurra Ave is to have a maximum overall height of 3.0m as measured from natural ground level at any point.

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

**19A. Fixed Planter boxes on top floor terraces**

The architectural plans must be amended prior to the release of the construction certificate to provide fixed planter boxes with low maintenance plantings (width 500mm and an overall height of 1.5m above finished terrace level including the plantings) on the outer edges of the terraces to Unit Nos 402 (southern edge), 401 (southern and eastern edge), 404 (southern and eastern edge). Privacy screens to a height of 1.6m above finished balcony levels are to be provided along the eastern edge of the balconies to Units 101, 107, 201, 207, 301 and 306.

**Reason:** To minimise overlooking into Nos. 1 and 3 Nulla Nulla Street.

**20. Amendments to approved landscape plan**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
LA01 Rev C	Taylor Brammer	13/02/08

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

- The proposed perimeter fence adjacent to the Turrumurra Ave and Nulla Nulla St frontages shall be constructed as an isolated pier and lightweight infill design (no masonry base infill) to a maximum height of 1.2m. Notations on plan are to be altered in compliance with this requirement.
- The proposed plantings of *Angophora costata* (Sydney Redgum) located adjacent to the southern site boundary are to be relocated so that they have a minimum 2.0m setback from the proposed retaining wall and site boundary. This will require the proposed stepping stone pathway to be relocated around tree plantings.
- An additional two tall canopy trees able to attain a minimum mature height of 13.0m are to be planted within the Nulla Nulla St site frontage between the proposed building and site boundary to screen and soften the proposed building. The trees are to be planted within the proposed lawn area as individual specimens with a minimum 10.0m separation. The trees are to be species consistent with the Sydney Bluegum High forest plant community.
- To promote bio-diversity, the proposed planting of ten *Angophora costata* (Sydney Redgum) is to be varied with additional species consistent with the Sydney Bluegum High Forest plant community. It is suggested only two *Angophora costata* (Sydney Redgum) be planted on site as they are not a species consistent with Sydney Bluegum High Forest.
- To maintain a layered landscape setting in keeping with the existing and future streetscape character, an additional ten small to medium feature trees capable of attaining heights above 4.0m, are to be planted within the site frontages to Turrumurra Ave and Nulla Nulla St. Proposed species could include; Crepe Myrtles, Manchurian Pear, Maples, Jacaranda, *Gordonia* and *Magnolia*. The trees are to be appropriately spaced so that

they can have opportunity to grow and establish to maturity.

- An additional tall canopy tree, capable of attaining a minimum mature height of 13.0m is to be planted within the site frontage to Turramurra Ave, between the two proposed plantings of Prunus, in front of the building.

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

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

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

## 21. Amendments to ground level stormwater plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved Ground Level Stormwater Plan has been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
H5003	J&M Group	10/10/07

The above plans shall be amended in the following ways:

- All the proposed surface drainage pits and associated pipes, with the exception of the one located to the north of the proposed Hymeseptor, within the soft landscape areas are to be deleted. Surface moisture can drain to the street due to the fall of the land.

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

## 22. 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.

## 23. 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.

#### **24. Outdoor lighting**

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

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

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

#### **25. Air drying facilities**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Amenity & energy efficiency.

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

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

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

AS1428.4 and AS 1735.12.

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

## 27. Adaptable units

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

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

**Reason:** Disabled access & amenity.

## 28. 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 Hydraulic Services Drawings by J & M Group submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

## 29. Stormwater retention

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

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

**Reason:** To protect the environment.

## 30. Driveway crossing levels

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

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

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard

requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

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

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

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

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

- the design level at the boundary on the architectural plans is consistent with Council's Standard High Level vehicular crossing, amended to include a 3% grade across the footpath
- Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

### **32. Basement car parking details**

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

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

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

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

### **33. Photographic record**

All buildings on the site that are to be demolished must be subject to archival photographic recording prior to any works commencing on the site in accordance with Heritage Office Guidelines.

**Reason:** To record all sites demolished for medium development for future research purposes. The recording documents must be prepared to an acceptable archival standard to ensure survival for future research purposes and to be consistent with recording of other approved medium density development sites.

### **34. Number of bicycle spaces**

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

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

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

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

- a new concrete footpath for the Nulla Nulla Street frontage of the site

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

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field



Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

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

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

### **36. Energy Australia requirements**

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

Any structures or other requirements of Energy Australia shall be indicated on the plans preferably within the Turrumurra Avenue frontage and suitably landscaped to minimise its visual impact from the public domain. The plans must be issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

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

### **37. Utility provider requirements**

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

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

### **38. Underground services**

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

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

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

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

**39. 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.

#### 40. Section 94 contribution – residential development

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

<b>Column A</b>	<b>Column B</b>	
community facilities	\$1,117.76	
park acquisition and embellishment works	\$4,723.00	
sports grounds works	\$1,318.32	
aquatic / leisure centres	\$27.82	
traffic and transport	\$150.28	
section 94 Plan administration	\$100.04	
<b>Total contribution is:</b>	<b>\$7,437.22</b>	<b>per person</b>
2 x 2 bedroom units @ \$13,974.86 ea.	\$27,949.72	
28 x 3 bedroom units @ \$20,098.67 ea	\$562,762.76	
<b>SUB TOTAL</b>		<b>\$590,712.48</b>
Less credit for existing dwellings		
3 x 4 bedroom dwellings @ \$26,143.97 ea	(\$78,431.91)	
1 x 3 bedroom dwelling @ \$20,098.67 ea	(\$20,098.67)	\$98,530.58
<b>TOTAL PAYABLE</b>		<b>\$492,181.90</b>

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

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

#### 41. Tree protection bond

Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$7 500.00 tree protection bond with Council. This bond is to provide security that the following trees are maintained in a healthy condition as found prior to commencement of work upon the site.

**Schedule****Tree/location****Bond value**

#1 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Turrumurra Ave nature strip	\$500.00
#2 <i>Eucalyptus pilularis</i> (Blackbutt) Turrumurra Ave nature strip	\$500.00
#3 <i>Jacaranda mimosifolia</i> (Jacaranda) Turrumurra Ave nature strip	\$1000.00
#4 <i>Callistemon salignus</i> (Willow Bottlebrush) Turrumurra Ave nature strip	\$500.00
#5 <i>Callistemon salignus</i> (Willow Bottlebrush) Turrumurra Ave nature strip	\$500.00
#6 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turrumurra Ave nature strip	\$1000.00
#7 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turrumurra Ave nature strip	\$500.00
#35 <i>Quercus palustris</i> (Pin Oak) Nulla Nulla St nature strip	\$1000.00
#37 <i>Fraxinus 'Raywood'</i> (Claret Ash) Nulla Nulla St nature strip	\$1000.00
#37a <i>Pistacia chinensis</i> (Chinese Pistacio) Nulla Nulla St nature strip	\$1000.00

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

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

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

**41(A) Trees on nature strip**

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

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

#38 *Acer palmatum* (Japanese Maple)  
Nulla Nulla St nature strip

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

**CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:****42. 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.

**43. Engineering fees**

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

**Reason:** To protect public infrastructure.

**44. 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.

**45. 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.

#### 46. Demolition, excavation and construction work hours

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

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

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

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

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

#### 47. Construction noise

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

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

#### 48. Site notice

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

The site notice must:

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

**Reason:** To ensure public safety and public information.

**49. Dust control**

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

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

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

**50. Post-construction dilapidation report**

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

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

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

**Reason:** Management of records.

**51. Further geotechnical input**

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

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

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

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

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

## **53. Use of road or footpath**

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

**Reason:** To ensure safety and amenity of the area.

## **54. 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.

## **55. 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.

#### **56. 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.

#### **57. 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.

#### **58. Construction signage**

All construction signs must comply with the following requirements:

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

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

#### **59. Approval for rock anchors**

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

recommendations of the geotechnical and structural engineers.

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

#### **60. Maintenance period for works in public road**

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

**Reason:** To protect public infrastructure.

#### **61. 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.

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

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

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

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

**Reason:** To protect public infrastructure.

### 63. 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.

### 64. Temporary rock anchors

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

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

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

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

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

**65. 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.

**66. 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.

**67. 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.

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

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

**Reason:** Statutory requirement.

**69. Arborist's report**

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

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

#8 *Stenocarpus sinuatus* (Q'ld Firewheel tree)  
Adjacent to western site boundary

#10 *Eucalyptus haemastoma* (Scribbly Gum)  
Adjacent to southern site boundary

#11 *Angophora costata* (Sydney Redgum)  
Adjacent to southern site boundary

#12 *Araucaria heterophylla* (Norfolk Island Pine)  
Adjacent to southwest site corner

#15 *Murraya paniculata* (Orange Jessamine)  
Adjacent to southeast site corner

#19 *Archontophoenix alexandrae* (Alexandra Palm)  
Adjacent to western site boundary

#20 *Callistemon salignus* (Willow Bottlebrush)  
Adjacent to western site boundary

#21 *Callistemon salignus* (Willow Bottlebrush)  
Adjacent to western site boundary

#26 *Archontophoenix alexandrae* (Alexandra Palm)  
Adjacent to eastern site boundary

#29 *Celtis sinensis* (Chinese Nettle Tree)  
Adjacent to eastern site boundary

#30 *Chamaecyparis obtusa* 'Crippsii'  
(Golden Hinoki Cypress)  
Adjacent to eastern site boundary

#32 *Celtis sinensis* (Chinese Nettle Tree)  
Adjacent to eastern site boundary

#34 *Cedrus atlantica* (Atlantic Cedar)  
Adjacent to north-west site corner

#35 *Quercus palustris* (Pin Oak)  
Nulla Nulla St nature strip

#37 *Fraxinus* 'Raywood' (Claret Ash)  
Nulla Nulla St nature strip

#37a *Pistacia chinensis* (Chinese Pistacio)  
Nulla Nulla St nature strip

#41 *Jacaranda mimosifolia* (Jacaranda)  
Adjacent to north-west site corner

#42 *Magnolia soulangeana* (Magnolia)  
Adjacent to northwest site corner

#43 *Malus floribunda* (Crabapple)  
Adjacent to north-west site corner

#44 *Metasequoia glyptostroboides* (Dawn Redwood)  
Adjacent to northwest site boundary

**Time of inspection**

Prior to demolition  
Completion of demolition works  
Completion of excavation/regrading of site  
At four monthly intervals during construction  
Completion of all works on site

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

**70. 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.

## 71. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

**Reason:** To protect existing trees.

## 72. Cutting of tree roots

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

Schedule Tree/location	Radius from trunk
#1 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Turrumurra Ave nature strip	3.0m
#2 <i>Eucalyptus pilularis</i> (Blackbutt) Turrumurra Ave nature strip	4.0m
#3 <i>Jacaranda mimosifolia</i> (Jacaranda) Turrumurra Ave nature strip	5.0m
#4 <i>Callistemon salignus</i> (Willow Bottlebrush) Turrumurra Ave nature strip	4.0m
#5 <i>Callistemon salignus</i> (Willow Bottlebrush) Turrumurra Ave nature strip	4.0m
#6 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turrumurra Ave nature strip	8.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turrumurra Ave nature strip	2.0m
#8 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to western site boundary	4.0m
#10 <i>Eucalyptus haemastoma</i> (Scribbly Gum) Adjacent to southern site boundary	3.5m
#11 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	3.0m
#12 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to south-west site corner	5.0m
#15 <i>Murraya paniculata</i> (Orange Jessamine) Adjacent to south-east site corner	3.0m
#19 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Adjacent to western site boundary	2.0m
#20 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	3.0m
#21 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	2.0m
#26 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Adjacent to eastern site boundary	2.0m
#29 <i>Celtis sinensis</i> (Chinese Nettle Tree)	4.0m

Schedule Tree/location	Radius from trunk
Adjacent to eastern site boundary #30 <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Hinoki Cypress)	4.0m
Adjacent to eastern site boundary #32 <i>Celtis sinensis</i> (Chinese Nettle Tree)	4.0m
Adjacent to eastern site boundary #34 <i>Cedrus atlantica</i> (Atlantic Cedar)	7.0m
Adjacent to north-west site corner #35 <i>Quercus palustris</i> (Pin Oak)	5.0m
Nulla Nulla St nature strip #37 <i>Fraxinus</i> 'Raywood' (Claret Ash)	5.0m
Nulla Nulla St nature strip #37a <i>Pistacia chinensis</i> (Chinese Pistacio)	6.0m
Nulla Nulla St nature strip #41 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Adjacent to north-west site corner #42 <i>Magnolia soulangeana</i> (Magnolia)	3.5m
Adjacent to north-west site corner #43 <i>Malus floribunda</i> (Crabapple)	3.0m
Adjacent to north-west site corner #44 <i>Metasequoia glyptostroboides</i> (Dawn Redwood)	4.0m
Adjacent to north-west site boundary	

**Reason:** To protect existing trees.

### 73. Approved tree works

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

Schedule Tree location	Approved tree works
#9 <i>Ceratopetalum gummiferum</i> (NSW Christmas Bush) Adjacent to southern site boundary	Removal
#14 <i>Agonis flexuosa</i> (Weeping Myrtle) Adjacent to south-east site corner	Removal
#17 <i>Callistemon citrinus</i> (Bottlebrush) Centrally located on site	Removal
#18 <i>Acacia floribunda</i> (Wattle) Centrally located on site	Removal
#22 <i>Cinnamomum camphora</i> (Camphor laurel) Centrally located on site	Removal
#23 <i>Cinnamomum camphora</i> (Camphor laurel) Centrally located on site	Removal
#24 <i>Celtis sinensis</i> (Chinese Nettle tree) Centrally located on site	Removal
#25 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to eastern site boundary	Removal
#27 <i>Morus nigra</i> (Mulberry) Adjacent to eastern site boundary	Removal
#28 <i>Acer palmatum</i> (Japanese Maple)	Removal

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

Adjacent to eastern site boundary #31 <i>Celtis sinensis</i> (Chinese Nettle Tree)	Removal
Adjacent to eastern site boundary #33 <i>Juniperous spp</i> (Juniper)	Removal
Within building footprint #36 <i>Fraxinus spp</i> (Ash)	Removal
Nulla Nulla St nature strip #38 <i>Acer palmatum</i> (Japanese Maple)	Removal
Nulla Nulla St nature strip	

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

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

**74. Hand excavation**

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

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

#1 <i>Callistemon viminalis</i> (Weeping Bottlebrush) Turrumurra Ave nature strip	3.0m
#2 <i>Eucalyptus pilularis</i> (Blackbutt) Turrumurra Ave nature strip	4.0m
#3 <i>Jacaranda mimosifolia</i> (Jacaranda) Turrumurra Ave nature strip	5.0m
#4 <i>Callistemon salignus</i> (Willow Bottlebrush) Turrumurra Ave nature strip	4.0m
#5 <i>Callistemon salignus</i> (Willow Bottlebrush) Turrumurra Ave nature strip	4.0m
#6 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turrumurra Ave nature strip	8.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turrumurra Ave nature strip	2.0m
#8 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to western site boundary	4.0m
#10 <i>Eucalyptus haemastoma</i> (Scribbly Gum) Adjacent to southern site boundary	3.5m
#11 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	3.0m
#12 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to south-west site corner	5.0m
#13 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to eastern site boundary in neighbouring property	4.0m
#13a <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to eastern site boundary in neighbouring property	4.0m
	3.0m



<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#15 <i>Murraya paniculata</i> (Orange Jessamine) Adjacent to south-east site corner	3.0m
#16 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to eastern site boundary in neighbouring property	2.0m 3.0m
#19 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Adjacent to western site boundary	2.0m
#20 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	2.0m
#21 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	4.0m
#26 <i>Archontophoenix alexandrae</i> (Alexandra Palm) Adjacent to eastern site boundary	4.0m
#29 <i>Celtis sinensis</i> (Chinese Nettle Tree) Adjacent to eastern site boundary	4.0m
#30 <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Hinoki Cypress) Adjacent to eastern site boundary	7.0m
#32 <i>Celtis sinensis</i> (Chinese Nettle Tree) Adjacent to eastern site boundary	5.0m
#34 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to north-west site corner	5.0m
#35 <i>Quercus palustris</i> (Pin Oak) Nulla Nulla St nature strip	6.0m
#37 <i>Fraxinus</i> 'Raywood' (Claret Ash) Nulla Nulla St nature strip	4.0m
#37a <i>Pistacia chinensis</i> (Chinese Pistacio) Nulla Nulla St nature strip	3.5m
#41 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-west site corner	3.0m
#42 <i>Magnolia soulangeana</i> (Magnolia) Adjacent to north-west site corner	4.0m
#43 <i>Malus floribunda</i> (Crabapple) Adjacent to north-west site corner	3.0m
#44 <i>Metasequoia glyptostroboides</i> (Dawn Redwood) Adjacent to north-west site boundary	
#45-47 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to eastern site boundary in neighbouring property	

**Reason:** To protect existing trees.

## 75. Thrust boring

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

<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#2 <i>Eucalyptus pilularis</i> (Blackbutt) Turramurra Ave nature strip	4.0m
#3 <i>Jacaranda mimosifolia</i> (Jacaranda) Turramurra Ave nature strip	5.0m
#4 <i>Callistemon salignus</i> (Willow Bottlebrush) Turramurra Ave nature strip	4.0m
#5 <i>Callistemon salignus</i> (Willow Bottlebrush) Turramurra Ave nature strip	4.0m
#6 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turramurra Ave nature strip	8.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Ironbark) Turramurra Ave nature strip	2.0m
#8 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel tree) Adjacent to western site boundary	4.0m
#10 <i>Eucalyptus haemastoma</i> (Scribbly Gum) Adjacent to southern site boundary	3.5m
#11 <i>Angophora costata</i> (Sydney Redgum) Adjacent to southern site boundary	3.0m
#12 <i>Araucaria heterophylla</i> (Norfolk Island Pine) Adjacent to south-west site corner	5.0m
#15 <i>Murraya paniculata</i> (Orange Jessamine) Adjacent to south-east site corner	2.0m
#20 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	3.0m
#21 <i>Callistemon salignus</i> (Willow Bottlebrush) Adjacent to western site boundary	2.0m
#26 <i>Archontophoenix alexandrae</i> (Alexander Palm) Adjacent to eastern site boundary	2.0m
#29 <i>Celtis sinensis</i> (Chinese Nettle Tree) Adjacent to eastern site boundary	4.0m
#30 <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Hinoki Cypress) Adjacent to eastern site boundary	4.0m
#32 <i>Celtis sinensis</i> (Chinese Nettle Tree) Adjacent to eastern site boundary	4.0m
#34 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to north-west site corner	7.0m
#35 <i>Quercus palustris</i> (Pin Oak) Nulla Nulla St nature strip	5.0m
#37 <i>Fraxinus</i> 'Raywood' (Claret Ash) Nulla Nulla St nature strip	5.0m
#37a <i>Pistacia chinensis</i> (Chinese Pistacio) Nulla Nulla St nature strip	6.0m
#41 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-west site corner	4.0m
#42 <i>Magnolia soulangeana</i> (Magnolia) Adjacent to north-west site corner	3.5m
#43 <i>Malus floribunda</i> (Crabapple) Adjacent to north-west site corner	3.0m

<b>Schedule Tree/location</b>	<b>Radius from trunk</b>
#44 <i>Metasequoia glyptostroboides</i> (Dawn Redwood) Adjacent to north-west site boundary	4.0m

**Reason:** To protect existing trees.

**76. No storage of materials beneath trees**

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

**Reason:** To protect existing trees.

**77. 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.

**78. 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:**

**79. 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. M 188541M have been complied with.

**Reason:** Statutory requirement.

**80. Clotheslines and clothes dryers**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

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

**81. 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.

**82. Accessibility**

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

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

**Reason:** Disabled access & services.

**83. 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.

**84. 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.

**85. Certification of drainage works**

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

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

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

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

**Reason:** To protect the environment.

**86. 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.

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

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

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

**Reason:** To protect the environment.

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

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive

covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

**Reason:** To protect the environment.

#### **89. 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.

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

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

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

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

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

**91. 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.

**92. Construction of works in public road – approved plans**

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

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

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

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

**93. 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.

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

The applicant is to install "No Parking" signs in Nulla Nulla Street between the site entry driveway and Turrumurra Avenue. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the issue of the Occupation Certificate.

Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

**Reason:** To protect public infrastructure.

#### **94. Mechanical ventilation**

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

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

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

#### **95. Permanent parking restrictions**

The applicant is to install "No Parking" signs in Nulla Nulla Street between the site entry driveway and Turrumurra Avenue. The signs are to be considered by the Ku-ring-gai Traffic committee and approved by Council (subject to resident concurrence) and installed prior to the issue of the Occupation Certificate.

**Reason:** To maintain sight distance for vehicles leaving the development.

#### **96. Easement for waste collection**

Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The

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

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

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

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

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

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

#### **98. Car parking**

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

These requirements are to be enforced through the following:

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

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

**CARRIED UNANIMOUSLY**

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

*The following item was dealt with as a matter of urgency  
after a Motion moved by Vince Berkhout & Bill Tsakalos was  
CARRIED UNANIMOUSLY  
and the Chairperson ruled urgency*

PP18 **Alternate Chairperson - Ku-ring-gai Planning Panel**

File: S06347

**Business Without Notice by Elizabeth Crouch dated 9 April 2008**

I move that Bill Tsakalos be elected as the Alternate Chairperson to Elizabeth Crouch for the duration of the Ku-ring-gai Planning Panel's operation.

**Resolved:**

(Moved: Vince Berkhout/Chairperson, Elizabeth Crouch)

That Mr Bill Tsakalos be elected as the Alternate Chairperson in the absence of the Chairperson, Elizabeth Crouch for the duration of the Ku-ring-gai Planning Panel's operation.

**CARRIED UNANIMOUSLY**

*The Meeting closed at 5.15pm*

The Minutes of the Ku-ring-gai Planning Panel held on 9 April 2008 (Pages 1 - 83) were confirmed as a full and accurate record of proceedings on 30 April 2008.

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Chairperson