

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 15 OCTOBER 2008

Present: Elizabeth Crouch (Chairperson)
Vince Berkhout

Staff Present: General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Director Strategy (Andrew Watson)
Manager Urban Planning (Antony Fabbro)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 5.03pm

PP63 **APOLOGIES**

File: S06347

Ms Kerry Bedford & Mr Bill Tsakalos tendered apologies for non-attendance and requested leave of absence.

Resolved:

(Moved: E Crouch/V Berkhout)

That the apologies by Ms Kerry Bedford & Mr Bill Tsakalos for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

No Interest was declared.

ADDRESSES TO THE PANEL

The following members of the public addressed the Ku-ring-gai Planning Panel on items not on the Agenda:

N McIntosh
J Harwood

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: **Refer GB.4 - 1 Clanville Road, Roseville** - Memorandum by Director Development & Regulation dated 15 October 2008 advising of 2 errors within the report - Owner's Christian Name & Condition No 34.

CONFIRMATION OF MINUTESPP64 **Minutes of Ku-ring-gai Planning Panel**

File: S06347

Meeting held 27 August 2008
Minutes numbered PP60 to PP62

Resolved:

(Moved: E Crouch/V Berkhout)

That Minutes numbered PP60 to PP62 circulated to Panel members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESSPP65 **Extraordinary Ku-ring-gai Planning Panel Meeting to deal with Draft Town Centres LEP**

File: S06523

The following members of the public addressed the Panel:

A Parr
Councillor T Hall

To schedule an Extraordinary Meeting of the Ku-ring-gai Planning Panel to consider the draft Town Centres Local Environmental Plan (LEP) 2008 prior to formal public exhibition.

Resolved:

(Moved: E Crouch/V Berkhout)

That an Extraordinary Meeting of the Ku-ring-gai Planning Panel be held on 5 November 2008 to endorse the draft Town Centres Local Environmental (LEP) 2008 for exhibition in accordance with section 66 of the *Environmental Planning and Assessment Act 1979*, commencing at the Panel's ordinary meeting time of 5.00pm.

CARRIED UNANIMOUSLY

PP66 **124A St Johns Avenue, Gordon - Construct & Operate a Sewage Treatment Plant & Re-use of Reclaimed Water for Irrigation of Golf Course**

File: DA0625/08

Ward: Gordon
Applicant: Ku-ring-gai Council
Owner: Ku-ring-gai Council

To determine a development application for the erection and operation of a sewage treatment plant to reclaim water for re-use for irrigation of the Gordon Golf Course.

Resolved:

(Moved: V Berkhout/E Crouch)

That the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA0625/08 for the construction and operation of a sewage treatment plant with re-use of the reclaimed water for irrigation of the golf course at No. 124A St Johns Avenue, Gordon for a period of two (2) years from the date of the Notice of Determination subject to the following conditions.

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved architectural plans and documentation (new development)

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

Plan no.	Prepared by	Dated
Job No. AS120808, Figures 5 and 6 (Sheets 1-3)	Environ	June 2008
Drawing number 07195_DA_C100 and C102, Rev 02	Henry & Hymas	21/02/2008
Job number CSTS20455, Sheets 1-5 of 5	Acame	14/7/2008
Landscape 2	Ku-ring-gai Council	17.07.08

Document(s)	Dated
Statement of Environmental Effects – Sewer Mining Project, Gordon Golf Club, prepared by Environ	June 2008

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

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawing/ 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. Long service levy

The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceeds \$25,000.00.

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

4. Sydney water agreement

The appropriate agreements associated with this type of activity are obtained from Sydney Water and submitted to the Principal Certifying Authority prior to commencement of work.

Reason: Statutory requirement.

5. Notification of builders details

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

Reason: Statutory requirement

6. 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 development area 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.

7. No entry to building site and builders ID

For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

Reason: To ensure public safety and public information

8. Protection of public places

If the work involved in the erection or demolition of a building:

- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b. 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, an awning 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 such hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

9. Temporary construction exit

To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

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

10. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately down slope 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.

11. Construction and traffic management plan

Prior to the commencement of any works a Construction and Traffic Management Plan (incorporating measures to control dust, noise and vibration) prepared by a suitably qualified person shall be submitted for approval to the Principal Certifying Authority (PCA). The management plan is to identify amelioration measures to ensure the dust, noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites.

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

12. Tree protection fencing

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

Schedule Tree/location	Radius in metres
#1 <i>Eucalyptus nicholii</i> (Peppermint Gum) Adjacent to western side of storage tank	3.0m
#2 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of storage tank	6.0m
#3 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of storage tank	6.0m
#4 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of storage tank	3.0m
#5 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of treatment plant	5.0m
#6 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western side of treatment plant	5.0m
#7 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of treatment plant	5.0m
#8 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western side of treatment plant	6.0m
#9 <i>Melaleuca styphelioides</i> (Prickly leaved paperbark) Adjacent to western side of treatment plant	4.0m
#10 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western side of treatment plant	3.0m

Schedule Tree/location	Radius in metres
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to southern side of treatment plant	4.0m

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 metre spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

Reason: To protect existing trees during construction phase

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.

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

17. Soil and erosion control plan

Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

Reason: To preserve and enhance the natural environment.

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

18. Excavation and construction work hours

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.

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

19. Approved tree works

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

Schedule Tree location	Approved tree works
#11 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to southern side of proposed sewer treatment plant	Removal
#13 <i>Eucalyptus saligna</i> (Bluegum) Within proposed building footprint	Removal
#16 <i>Cinnamomum camphora</i> (Camphor laurel)	Removal

Schedule Tree location	Approved tree works
Eastern side of proposed sewer treatment plant	
#39 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to watercourse	Removal
#40 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to watercourse	Removal
#43 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to watercourse/footbridge	Removal

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

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

20. Warning notice

During installation of the treated effluent pipe network across the Golf Course the pipelines shall be clearly and permanently labelled with Continuous marker tape - "THE PIPE BELOW IS NON-DRINKING WATER" in compliance with AS/NZS3500.1:2003.

Reason: Statutory requirement and to maintain the environmental amenity and ensures the ongoing health, safety and protection of people.

21. Use of road or footpath

For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the 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.

22. Maintenance of sediment controls

To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.

Reason: To protect the environment from erosion and sedimentation.

23. Delivery vehicles - covered

To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.

Reason: To protect the environment.

24. Construction noise

During excavation and construction phases, dust, noise and vibration generated from the site shall be controlled in accordance with the recommendations of the approved Construction and Traffic Management Plan.

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

25. Soil stockpiles

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

Reason: To preserve and enhance the natural environment.

26. Reuse of topsoil

Excavated topsoil is to be re-used on-site during the carrying out of the landscaping.

Reason: To preserve and enhance the natural environment.

27. 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.

28. 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.

29. Approved landscape plans

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

Plan no.	Drawn by	Dated
# 07195-DA-C103 Rev 2	Henry & Hymas	29/05/2008
Landscape 2 Riparian Planting Details	Ku ring gai Council	17/07/2008

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

30. 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.

31. 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>Eucalyptus nicholii</i> (Peppermint Gum) Adjacent to western side of storage tank	4.0m
#2 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of storage tank	6.0m
#3 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of storage tank	6.0m
#4 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of storage tank	5.0m
#5 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of treatment plant	6.0m
#6 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western side of treatment plant	7.0m
#7 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of treatment plant	6.0m
#8 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western side of treatment plant	6.0m
#9 <i>Melaleuca styphelioides</i> (Prickly leaved paperbark) Adjacent to western side of treatment plant	4.0m
#10 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western side of treatment plant	3.0m

Schedule Tree/location	Radius from trunk
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to southern side of treatment plant	6.0m

Reason: To protect existing trees.

32. Hand excavation

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

Schedule Tree/location	Radius from trunk
#1 <i>Eucalyptus nicholii</i> (Peppermint Gum) Adjacent to western side of storage tank	4.0m
#2 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of storage tank	6.0m
#3 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of storage tank	6.0m
#4 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of storage tank	5.0m
#5 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of treatment plant	6.0m
#6 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western side of treatment plant	7.0m
#7 <i>Eucalyptus spp</i> (Eucalypt) Adjacent to western side of treatment plant	6.0m
#8 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to western side of treatment plant	6.0m
#9 <i>Melaleuca styphelioides</i> (Prickly leaved paperbark) Adjacent to western side of treatment plant	4.0m
#10 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to western side of treatment plant	3.0m
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to southern side of treatment plant	6.0m

Reason: To protect existing trees.

33. Re-use of topsoil

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

Schedule Tree/location	Radius from trunk
#4 <i>Angophora floribunda</i> (Rough Barked Apple) Adjacent to western side of storage tank	5.0m

Beneath the canopy dripline of any tree protected by Council's Tree Preservation Order (TPO)

Reason: To protect existing trees.

34. 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 OPERATION AND ISSUE OF AN OCCUPATION CERTIFICATE**35. National plumbing code**

All sewer and plumbing work shall conform to the requirements of the NSW Code of Practice, Plumbing and Drainage 2006 and AS/NZS 3500: 2003 Plumbing and Drainage Code where applicable. In this regard, a licensed plumber is to submit a Certificate of Compliance to Council certifying that all plumbing and drainage works have been carried out in accordance with prescribed standards prior to the issue of an Occupation Certificate.

Reason: Statutory requirement

36. Pipe work labelling

All treated effluent taps or outlets, including all new and/or exposed pipe work for effluent distribution must be coloured lilac and must be marked "WARNING RECYCLED / RECLAIMED WATER – NOT FOR DRINKING". Warning signs shall comply with AS 1319. Suitable warning signs are to be placed at access points to the site to indicate that recycled / reclaimed water is used on the Golf Course.

Reason: Statutory requirement.

37. Completion of landscape works

Landscape works shall be carried out in accordance with Job No. AS120808, Figure 5, prepared by Environ, dated June 2008 and plan No. Landscape 2, prepared by Ku-ring-gai Council, dated 17.07.08, submitted with the Development Application. The landscape works shall be completed prior to issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.

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

38. Operational environmental management plan

An Operational Environmental Management Plan shall be prepared incorporating the interim NSW Guidelines for the Management of Private Recycled Water Schemes (May 2008). A copy of this Plan is to be kept on site in a readily accessible location and be made available to Council Officers upon request. Provision is to be made for an all weather emergency break down procedural sheet/poster which is to be located in a prominent position in sight of site personnel.

Reason: To maintain the environmental amenity.

39. Noxious plants/weeds

Noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To protect the environmental amenity.

40. Approval to operate

Upon completion of the sewage treatment plant and the initial commissioning of the plant has been completed to show the system is operating in accordance with the NSW Guidelines for the Management of Private Recycled Water Schemes (May 2008), an application under Section 68A of the Local Government Act 1993 to operate a sewage treatment system shall be submitted to Council for consideration, and approval being granted before any treated water is discharged to the golf course. Until validation and verification of the system has occurred, all recycled water must be disposed of to sewer in accordance with requirements of Sydney Water.

Reason: Statutory requirement.

41. Completion of landscape works

Prior to the issue of an 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.

CONDITIONS TO BE SATISFIED ON AN ONGOING BASIS

42. Performance standards

The system must be operated to achieve the performance standards as set out in clause 44 of the *Local Government (General) Regulation 2005*. These are:

- the prevention of the spread of disease by micro-organisms,
- the prevention of the spread of foul odours,
- the prevention of the contamination of waters,
- the prevention of the degradation of soil and vegetation,
- the discouragement of insects and vermin,
- ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
- the minimisation of any adverse impacts on the amenity of the premises and surrounding lands.
- if appropriate, provision for the re-use of resources (including nutrients, organic matter and water).

Reason: Statutory requirement.

43. Treatment and disposal

All sewerage extracted from the sewer main for processing in the sewerage treatment plant must be treated to a level suitable for its end use, in accordance with Department of Water and Energy NSW *Interim NSW guidelines for Management of Private Recycled Water Schemes*, 2008. Where this includes use of recycled water for irrigation, water quality and irrigation practices are to comply with Department of Environment and Conservation NSW, *Environmental Guidelines - Use of Effluent by Irrigation*, 2004.

Reason: To maintain the environmental amenity.

44. Noise from plant in residential area

Where any form of noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (7.00pm –7.00 am) when measured at the nearest residential property boundary.

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

45. 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.

46. Odour nuisance monitoring

Complaints in relation to odours escaping from the sewage treatment plant are to be dealt with promptly by the operators. A record of complaints is to be made available to Council for viewing upon request.

Reason: To protect the amenity of surrounding properties.

CARRIED UNANIMOUSLY

PP67

37 Burns Road, Wahroonga - Alterations & Additions to the Existing Dwelling including an Integrated Triple Garage to the Rear, Veranda Extension, Alterations & Additions to an Existing Freestanding Garage/Loft, Swimming Pool, Tennis Court, Ancillary Structures, Fencing & Landscaping Works

File: DA0409/08

Ward: Wahroonga

Applicant: Alfred Attard

Owners: Mrs Alexandra Louise Attard & Mr Alfred Michael Vincent Attard

The following members of the public addressed the Panel:

P Sullivan

A Attard

D Brew

P Phillips

To determine development application No.0409/08, which seeks consent for alterations and additions to existing dwelling including an integrated triple garage to the rear (south elevation), veranda extension (east elevation), alterations and additions to

Resolved:

(Moved: V Berkhout/E Crouch)

That the Ku-ring-gai Planning Panel as the consent authority refuse consent to Development Application No.0409/08 for alterations and additions to existing dwelling, including triple garage and veranda extension, alterations and additions to existing

freestanding garage/loft, swimming pool, tennis court, ancillary structures, fencing and landscaping works at 37 Burns Road, Wahroonga for the following reasons:

- 1. The proposed triple garage addition to the rear of the existing dwelling, combined with the existing freestanding triple garage results in excessive car parking (total of 6 spaces) on the site. An additional triple garage is unnecessary, visually intrusive and intrusive on the historic significance of 'Craignairn'.**

Particulars:

- 1.1 The proposed parking arrangements (three times the amount required under DCP38) results in excessive car parking on site and is intrusive on the historical significance of 'Craignairn'.
 - 1.2 The proposed triple garage addition visually dominates the western service wing and dilutes its interpretation. The size, bulk and scale of the triple garage addition is excessive and reads as a major element to the rear of the building which is visually intrusive when viewed from the south-west.
 - 1.3 The triple garage addition, combined with driveway access reduces the potential to provide landscaping to the rear of the dwelling and distorts the perception of the house as having been design in the centre of the site and intended to be viewed in the round.
 - 1.4 The proposed triple garage addition fails to satisfy Clause 4.5.3 *Design of carports and garages* under DCP38 which states, where the dwelling is listed of local or State heritage or is in a conservation area, any carport/garage must be a separate building to the dwelling.
 - 1.5 The scale of the garage door is excessive and unsympathetic when viewed from surrounding areas.
- 2. The provision of an additional triple garage on the site competes with the ancillary use of the existing freestanding triple garage. The ancillary function of the freestanding garage and its historical relationship to the dwelling is undermined as a result of the proposed car parking arrangements on site.**

Particulars:

- 2.1 The proposal for an additional triple garage located to the rear of the dwelling competes with the ancillary use of the existing freestanding triple garage and is visually and historically inappropriate. The ancillary function of the freestanding garage and its historical relationship to the dwelling is undermined as a result of the proposed car parking arrangements on site.
 - 2.2 Approval of the proposed car parking arrangement would likely facilitate the realisation of a future conversion of the free standing garage to a dual occupancy development to the south- western corner of the site. The merits of such a proposal were considered by Commissioner Brown in Appeal 11033 of 2007. Future dual occupancy development (combined

with associated driveways, paths, private open space, fencing, landscaping and subdivision commonly associated with such development) would result in a separate identity and character to the south-western corner of the site which would adversely impact the landscape curtilage/setting and heritage significance of the site as determined under Appeal 11033 of 2007.

- 2.3 The proposed alterations and additions to the freestanding garage (including partitioned living areas at first floor with skylight) combined with the linear planting perpendicular to the Cleveland Street frontage and fencing to the southern boundary, changes the character of the ancillary garage/loft facility to a dwelling, and are cumulative elements that are tantamount to a possible future dual occupancy development.
- 2.4 The proposed parking arrangement fails to satisfy the objectives of the Environmental Planning and Assessment Act (Clause 5) which is to encourage the proper management and the promotion and co-ordination of the orderly and economic use and development of land.

3. The extension of the eastern veranda has an adverse impact on the immediate garden setting for 'Craignairn' and will result in an unacceptable impact on the heritage significance of the dwelling.

Particulars:

- 3.1 The proposed extension to the veranda is not acceptable as it does not retain the immediate garden setting of the house and does not retain the presentation of the eastern elevation with its 'foundation planting' around the perimeter of the house.
- 3.2 The proposed eastern veranda extension will result in the removal of the planting beds between the main path and the dwelling. The veranda extension will result in a masonry wall adjoining the main existing path without the softening of planting in front.
- 3.3 The integrity and intactness of the exteriors should be retained. The function of the verandas should be separate and it is not appropriate to amalgamate these spaces.
- 3.4 The proposed eastern terrace shown on the house architectural plans Dwg 884/04C-02B extends 3.35 metres from the wall of the house and contradicts the 2.4 metres dimension shown on Landscape Plan LP02S, Site Plan 882/04C-01B and Tennis Court/Tea House Plan 882/04C-05B. This would result in the proposed 'foundation planting' being impossible to be achieved and the extension of the proposed terrace into the line of the formal path that surrounded the house.

4. The proposed lapped and capped fencing (southern and eastern boundary) would have a detrimental impact on the landscape setting of the site and its relationship to neighbouring heritage items by reducing the continuity of the landscape when viewed from street.

Particulars:

- 4.1 The (unauthorised) lapped and capped timber fencing to the southern boundary and proposed fencing to the eastern side boundary located

forward of building line established by No.37 and 39 Burns Road, are both visually inappropriate and not supported.

- 4.2 Fences from the street boundaries to the building line should be low in height and visually transparent so that the garden remains visually continuous with the neighbouring houses.
- 4.3 The fencing to the southern boundary, combined with future side boundary fencing associated with No.33 Cleveland Street, would result in a potential tunnel effect and would be visually inappropriate development within the urban conservation area.

5. The proposed child security fence adjacent to driveway would have an adverse impact on the landscape setting of the site and would result in an unacceptable impact on the heritage significance of 'Craignairn'.

Particulars:

- 5.1 The proposed child security palisade fence to eastern side of driveway severs the visual connection across the open informal deep front setbacks to 'Craignairn' and is not in-keeping with the historic landscape character of the site.
- 5.2 The proposed fence results in visual clutter to the landscape setting of the site. The applicant's submission that the fence is required for children safety is not well founded in view of the existing fencing provided on the site.
- 5.3 The childproof fence which connects to the north-western corner of the main dwelling is inconsistent in detail and location between the Site Plan 882/04C-01B and Landscape Plan LP02S.

6 A satisfactory landscape master plan for the site has not been provided.

Particulars:

- 6.1 The landscape, plan prepared by Moir Landscape Architecture, Drawing No.LP02/S, dated 04/09/08, does not constitute a landscape master plan and does not satisfactorily recognise and incorporate the historic landscape concepts established by the original architect, Howard Joseland.

Given the heritage significance of 'Craignairn', a master plan requires a written statement (master plan) accompanying a detailed landscape plan. The master plan should include a summary historical analysis of the development of the garden, the landscape design principles underpinning the landscape plan submitted, and the role of new elements in reinstating previously known layouts or plantings, management of identified views and vistas and an explanation as to why the proposed landscape plan was not reinstating known earlier layouts or plantings.

- 6.2. The landscape plan, prepared by Moir Landscape Architecture, drawing No.LP02/S, dated 04/09/08, fails to address the provisions of Condition 30 – Landscape Master Plan, drafted by Colleen Morris (Council's Landscape

Consultant) and Professor James Weirick (Applicant's Landscape Consultant) in Appeal No.11033 of 2007.

7. The siting, size and finished level of the tennis court combined with the size and location of the pool surround (adjacent to the eastern façade of the dwelling) results in an unacceptable impact to the heritage significance of 'Craignairn' and its landscape curtilage.

Particulars:

- 7.1 The siting of the tennis court does not have regard to the existing brick retaining wall associated with the former tennis court and combined garden/lawn area to its surround. The eastern side setback to the tennis court should be increased to be in-keeping with the original retaining wall brickwork (setback of 5.85 metres as shown on the site plan) in order to maintain a generous boundary planting area (including the preservation of canopy tree planting) adjacent to the eastern boundary.
- 7.2 The proposed southern side setback (2.26 metres) is inadequate to provide satisfactory screen landscaping adjacent to the southern boundary of the site. A minimum setback of 3 metres should be provided as required by Council's DCP38 and Tennis Court Policy. Trees should be planted that can provide a tall backdrop to further soften the interface between 'Craignairn' and adjoining residential development to the south. The proposed planting of Magnolia 'Little Gem', while being a useful shrubbery planting, will not achieve this effect.
- 7.3 The proposed court is excessive in dimension and its size is unnecessary (between competition and international court size). A standard competition court size (33 metres x 16.4 metres) is a reasonable sized court for residential use and its size combined with the southern and eastern setback recommendations above would reduce the impact of the court to the eastern landscape curtilage of the site.
- 7.4 The proposed finished level of court (RL201.7) results in fill up to 700mm to the front (northern) end of the court (as viewed from Burns Road). The elevation of the court above existing ground level is excessive and does not appropriately relate to the existing ground levels of the site. To reduce the visual impact of the elevated court above existing ground level (as viewed from Burns Road) the finished tennis court level should be reduced to RL201.5 to be generally in keeping with the brick retaining wall level of RL201.49.
- 7.5 The proposed size of the pool area (10.3 metres x 17.8 metres) is both excessive and unsympathetic to the heritage significance and landscape setting of the eastern elevation of the building. The pool paving hard to the eastern elevation of dwelling removes foundation planting and includes the removal of a significant camellia planting. The camellia is incorrectly located on the landscape plan. The northern edge of the pool including pool fencing should be set back in line with the south-eastern corner of the building.

7.6 The path to the tea house/tennis court should be re-aligned directly opposite the eastern terrace steps as depicted in the original 1916 Strang family photographs.

8. The proposed tea room is overly dominant due to its footprint size, bulk, height and materials and would have an unacceptable impact on the heritage significance and landscape setting of 'Craignairn'.

Particulars:

8.1 The proposed tea room is excessive in footprint size, bulk and height. The structure has an overall height of approximately 5.4 metres (exceeding the height of the tennis court wire fence proposed at 3.6 metres in height), with a roof plan dimension of 5 metres x 6.5 metres. The masonry brickwork structure is visually inappropriate within the garden setting. The structure is located to the centre of the eastern curtilage and its dominant built form to the eastern landscape setting of the site results in an unacceptable heritage impact on the setting of 'Craignairn'.

8.2 The tea house should be reduced in size and roof-pitch. Material finishes of the structure should include lightweight-timber and weatherboard to ensure the structure reads as a light weight ancillary structure to the tennis court and suitably blends with the landscape setting of the site. The height of the pergola should be proportionally reduced to ensure the structure appropriately relates to the reduced size of the tea room. The path to the tea house/tennis court should be re-aligned directly opposite the eastern terrace steps as depicted in the original 1916 Strang family photographs.

9. No colour tile sample has been submitted with regard to the proposed tiling of the proposed addition.

Particulars:

9.1 No tile sample (showing colour tones) has been submitted for the triple garage addition which includes with notation '*unglazed terracotta tiled roof to match new tiling of existing house*'.

9.2 The tiling of the triple garage addition is uncertain and a proper heritage assessment regarding the suitability of tile colour cannot be undertaken.

10. The proposed (as built) bi-fold doors (east elevation of existing dwelling) are not consistent with the detail and fabric of the existing dwelling and result in an unacceptable impact on the heritage significance of Craignairn.

Particulars:

10.1 The previous French doors with brick arched head and brick mullion are an important part of the fabric of the item dating to its reconstruction after the fire and replicate the original doors. The bi-fold doors (as built) are not consistent with the existing detail and fabric of the item and are inappropriate.

11. The attic bedroom fails to satisfy the natural light requirements under the Building Code of Australia.

Particulars:

- 11.1 Under Part 3.8.4 of the Building Code of Australia – Housing Provisions, a habitable room must have a minimum 10% light in relation the floor area of the room. The room scaled off the plan, measures 5.7mx 4.5m equating to 25.5sqm. The roof light measures 0.36sqm which is far below the minimum 10% of 2.55sqm. Natural light borrowed from the ground floor lounge does not meet the criteria of 10% natural light for both rooms.
- 11.2 The use of the attic for the purposes of a bedroom is not supported, as the use fails to satisfy the BCA requirements. The use of the attic for habitable purposes is not supported and should be used for storage purposes only.

12. The applicant's assessment regarding the heritage listing of the site is not well founded.

Particulars:

- 12.1 The submission made under the Heritage Impact Statement, dated 17 July 2008, that the heritage listing only applies to the front half of the site is incorrect. All of the existing lot – Lot 151 DP 1060782 is a heritage item under Schedule 7 of the KPSO. The adjoining lots, Lot 152 & 153 of DP 1060782 (Nos 31 & 33 Cleveland Street) are also subject to the heritage listing. The heritage listing was originally applied to Lot 15 & 16 of DP 2943 and the subdivision (approved under DA1372/02) does not affect that listing.
- 12.2 The notations 'extent of area heritage listed' and 'area not heritage listed' as detailed on the architectural plans is incorrect, misleading and not supported.

13. The submitted plans and documentation are unsatisfactory

Particulars:

- 13.1 The amended plans filed with the Land and Environment Court on 4 September 2008 do not satisfy Schedule A of the Court's *Class 1 Development Appeals - Practice Note*.

The submitted plans (architectural, landscape and survey) are inconsistent in detail and information. The standard of plans and information is unsatisfactory and do not provide certainty regarding proposed works and landscaping in relation to existing structures and trees etc on the site.

- 13.2 The existing and proposed landscaping of the site is inconsistent in detail between plans and results in uncertainty regarding the proposed works and landscaping of the site.

Site Plan Drawing 882/04C – 01B: The location of trees, the driveway turning circle and ramp are all incorrectly located (ie all shifted northward in relation to existing location). This will result in significant plantings being removed as a result of the proposal.

- 13.3 The submitted sections and elevations of the tennis court, swimming pool and tea room are unsatisfactory and inadequate in detail. Existing and proposed ground levels (including RLs to AHD at regular intervals) have not been satisfactory provided to enable an accurate assessment and certainty of the proposed works in relation to the existing ground levels of the site. This information is necessary to provide certainty regarding the extent of cut and fill necessary for the construction of the proposed works and their relationship with adjacent structures and proposed landscaping.

Impacts on *Jacaranda mimosifolia* (Jacaranda) Tree 16 and *Liquidambar styraciflua* (*Liquidambar*) Tree 19 cannot be assessed without details of the proposed pier and slab construction to the Tennis Court. Canopy impacts are also necessary to be included in assessment.

- 13.4 The arborist report fails to provide satisfactory reasons for removal of Tree 9. The information provided is vague and inconclusive in regards to the trees structural integrity. An aerial investigation should be undertaken to provide evidence of any fungal activity in upper trunk.
- 13.5 An amended BASIX certificate has not been submitted with the amended proposal. The amended plans do not include the BASIX Commitments as required by the SEPP.
- 13.6 Consent for retrospective works cannot be granted via a development application lodged under Division 2 (the procedures for development that requires consent) of the Environmental Planning & Assessment Act 1979.

CARRIED UNANIMOUSLY

PP68

1 Clanville Road, Roseville - Partial Demolition of Existing Dwelling & Construction of SEPP Development comprising 5 Units with Basement Parking for 12 Vehicles

File: DA0396/08

Ward: Roseville

Applicant: Tony Pham

Owner: Rodney Leigh Inder

The following member of the public addressed the Panel:

M Levy

To determine Development Application No 0396/08 for the partial demolition of an existing dwelling and for the construction of SEPP (housing for seniors or people with a disability) development comprising 5 units with basement car parking for 12 vehicles,

Resolved:

(Moved: V Berkhout/E Crouch)

THAT the Ku-ring-gai Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to Clause 40 (4) (c) of SEPP (Housing for seniors or people with a disability) 2004 is well founded. The Ku-ring-gai Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

AND

THAT the Ku-ring-gai Planning Panel, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0396/08 is consistent with the aims of the policy, grant development consent to DA0396/08 for demolition of garages & alterations & additions to existing dwelling to allow for the construction of SEPP (Housing for seniors or people with a Disability) development comprising 5 units with basement carparking for 12 vehicles on land at 1 Clanville Road, Roseville, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
Sheet 2 of 10	Alton Development Pty Ltd	12/08/2008
Sheet 3 of 10	Alton Development Pty Ltd	12/08/2008
Sheet 4 of 10	Alton Development Pty Ltd	28/08/2008
Sheet 5 of 10	Alton Development Pty Ltd	12/08/2008
Sheet 6 of 10	Alton Development Pty Ltd	12/08/2008
Sheet 10 of 10	Alton Development Pty Ltd	12/08/2008
L – 01 & L – 02 Rev. I	Ecodesign	14-08-2008

Document(s)	Dated
Access Report Housing for Seniors or people with a Disability 1 Clanville Road, Roseville NSW 2069 (prepared by) Access Associates Sydney	29 August 2008

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

2. Inconsistency between documents

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

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

3. No demolition of extra fabric

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

Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**4. Notice of commencement**

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

Reason: Statutory requirement.

5. Notification of builder's details

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

Reason: Statutory requirement.

6. 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 Clanville Road and Hill 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 Clanville Road - tennis court
- 75 Hill Street – all existing structures on site

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

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

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

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

8. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed

geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of 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. Structural adequacy (alterations and additions)

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

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

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

10. Construction and traffic management plan

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

- **A 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
 - 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
 - basement parking for employees and tradespersons.

- **Traffic control plan(s) for the site**

The Traffic Management Plan must include turning paths for all vehicles including spoil removal vehicles, and where forward ingress/ egress is not possible, a Traffic Control Plan must be submitted showing traffic controller(s) and signage to ensure safe access for motorists and pedestrians past 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.

- **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, basement parking must be made available at the earliest opportunity .

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

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

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

11. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

12. Tree protection fencing

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

Schedule

No/Tree/location	Radius in metres
4/ <i>Pittosporum undulatum</i> (Sweet Pittosporum)/Against the south-western (side) boundary of No. 3 Clanville Road.	3 metres
24, 28, 30 & 31/8 <i>Camellia japonica</i> (Japanese Camellia)/Adjacent to the site's Clanville Road and the northern end of its north-eastern (side) boundaries.	2 metres

Reason: To protect existing trees during the construction phase.

13. 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 REAR COURTYARD RETAINING WALL for UNITS 2 and 3 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 No/Tree/location	Radius in metres
1A/ <i>Pistacia chinensis</i> (Pistacia)/Within No. 3 Clanville Road.	5 metres 3 metres
2/ <i>Pittosporum undulatum</i> (Sweet Pittosporum)/Against the south-western (side) boundary of No. 3 Clanville Road.	3 metres
3/ <i>Citharexylum spinosum</i> (Fiddlewood)/1 metre from the south-western (side) boundary of No. 3 Clanville Road.	

Reason: To protect existing trees during the construction phase.

14. 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.

15. 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.

16. 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.

17. Trunk protection

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide

spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced horticulturist/arborist, with minimum qualification of horticulture certificate or tree surgery certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Schedule

No/Tree/Location

8A/*Livistona australis* (Cabbage Tree Palm)/Adjacent to the centre of the site's south-eastern (rear) boundary.

Reason: To protect existing trees during the construction phase.

18. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

19. 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:

20. Development within the vicinity of the railway corridor

- An acoustic assessment is to be submitted to the Principal Certifying Authority prior to the issue of a construction certificate demonstrating how the proposed development will comply with RailCorp's "*Interim Guidelines for Applicants in the consideration of rail noise and vibration*" from the adjacent rail corridor.
- The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents and the measures that will be taken to control that risk. The Applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to Railcorp for review by

the Senior Electrolysis Engineer or nominated Electrolysis Section personnel prior to the issue of the Construction Certificate.

Reason: To ensure the development is protected from potential impacts from the adjacent rail corridor.

21. Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
L – 01 & L – 02 Rev. I	Ecodesign	14-08-2008

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

- The *Cinnamomum camphora* (Camphor laurel) located adjacent to the site's north-eastern boundary and close to its northern corner is to be removed due to its noxious plant status.
- The tree shown as a 'Pittosporum to be retained' located against the site's north-eastern boundary opposite the rear verandah of Unit 5 is a *Cinnamomum camphora* (Camphor laurel) that is to be removed due to its noxious plant status.
- The *Grevillea robusta* (Silky Oak) located adjacent to the site's Clanville Road boundary and near its western corner is to be removed.
- *Eucalyptus punctata* (Grey Gum) and *Eucalyptus tereticornis* (Forest Red Gum) are to be amended to *Angophora floribunda* (Rough barked Apple) and *Eucalyptus paniculata* (Grey Ironbark) or *Allocasuarina torulosa* (Forest Oak) as the former 2 species are not Blue Gum High Forest species.
- 83 of the proposed 329 trees and shrubs (including *Lomandra longifolia* (Spiny Mat-rush)) are to be Blue Gum High Forest species to ensure that at least 25% of the proposed tree and shrub plantings are from the Blue Gum High Forest Critically Endangered Ecological Community.

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 Principal Certifying Authority.

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

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

The exterior face brickwork is to be consistent with the bricks selected in the materials schedule – "Bowral Blue" and "Bowral Murray". The roof tiles are to be red terracotta.

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

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

Reason: To protect heritage items and conservation areas.

25. 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 Report and Plans** by **Argent Consulting** submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

26. Stormwater retention

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

- 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
- 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.

27. Excavation for services

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

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

Reason: To ensure the protection of trees.

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 REAR COURTYARD RETAINING WALLS for UNITS 2 and 3 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 from trunk

1A/ <i>Pistacia chinensis</i> (Pistacia)/Within No. 3 Clanville Road.	5 metres
2/ <i>Pittosporum undulatum</i> (Sweet Pittosporum)/Against the south-western (side) boundary of No. 3 Clanville Road.	3 metres
3/ <i>Citharexylum spinosum</i> (Fiddlewood)/1 metre from the south-western (side) boundary of No. 3 Clanville Road.	3 metres

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. 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.

30. Driveway grades – basement car parks

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

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

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

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

31. 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”
- the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions
- a mirror will be provided at the bend in the entry ramp
- 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.

32. 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 Hill Street:

- construction of new kerb ramps to Council’s standard to ensure an accessible path of travel in accordance with AS1428.1 -2001: Design for Access & Mobility to the services required by Clause 26 of the SEPP Seniors.

The plans are to be endorsed by an access consultant as providing access compliant with AS1428.1:2001.

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.

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

33. 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.

34. Section 94 contribution – residential development

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

Column A	Column B
Community facilities	\$1,080.69
Park acquisition and embellishment works	\$24,222.81
Park embellishment works	\$2,611.63
Sports grounds works	\$4,638.80
Aquatic / leisure centres	\$274.62
Traffic and transport	\$387.44
Section 94 Plan administration	\$347.32
Total contribution is:	<u>\$33,563.30</u>

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

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

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

35. Approved plans to be on site

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

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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 Taylor Geotechnical Engineering. 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.

45. 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 Taylor Geotechnical Engineering. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. Construction signage

All construction signs must comply with the following requirements:

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

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

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

60. 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**

1A/*Pistacia chinensis* (Pistacia)/Within No. 3 Clanville Road and close to its south-western boundary.

2/*Pittosporum undulatum* (Sweet Pittosporum)/Against the south-western boundary of No. 3 Clanville Road.

3/*Citharexylum spinosum* (Fiddlewood)/1 metre from the south-western boundary of No. 3 Clanville Road.

8A/*Livistona australis* (Cabbage Tree Palm)/Adjacent to the centre of the site’s south-eastern (rear) boundary.

Time of inspection

Construction of the log retaining wall for Unit 2.

Construction of the log retaining wall for Unit 3.

Construction of the log retaining wall for Unit 3.

Construction of adjoining boundary and Common Area retaining walls.

Reason: To ensure protection of existing trees.

61. 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.

62. Approved tree works

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

Schedule**No/Tree location**

1/*Acer palmatum* (Japanese Maple)/Within the rear courtyard for Unit 2

Approved tree works

Remove tree

Schedule No/Tree location	Approved tree works
7/ <i>Lagerstroemia indica</i> (Crepe Myrtle)/Conflicting with the Common Area retaining wall.	Remove tree
9 – 15 + 2 additional trees/9 <i>Callitris endlicheri</i> (Black Cypress Pine)/Close to the site's south-eastern (rear) boundary and adjacent to its Hill Street boundary.	Remove 9 trees
17 & 18/2 <i>Liquidambar styraciflua</i> (Liquidambar)/At the front of the Unit 4 site and within the Unit 2 site.	Remove 2 trees
19/ <i>Jacaranda mimosifolia</i> (Jacaranda)/At the front of the Unit 2 site.	Remove tree
16 & 25 + 1 add./3 <i>Grevillea robusta</i> (Silky Oak)/1 tree adjacent to the south-eastern end of the site's Hill Street boundary and 2 trees adjacent to the centre and western end of the site's Clanville Road boundary.	Remove 3 trees
20 – 22/ 3 <i>Liquidambar styraciflua</i> (Liquidambar)/Adjacent to the western end of the site's Hill Street boundary.	Remove 3 trees
23/ <i>Prunus sp.</i> (Prunus)/Close to the site's western corner.	Remove tree
27/ <i>Chamaecyparis pisifera 'Plumosa'</i> (Intermediate Sawara Cypress)/Close to the centre of the site's Clanville Road boundary.	Remove tree
32/ <i>Punica granatum</i> (Pomegranate)/Adjacent to the site's northern corner.	Remove tree
33/ <i>Akocanthera oblongifolia</i> (Poison bush)/Adjacent to the site's north-eastern boundary and close to its northern corner.	Remove tree
35/ <i>Malus sp.</i> (Flowering Apple)/Adjacent to the north-western end of the site's north-eastern (side) boundary.	Remove tree
<i>Ficus rubiginosa</i> (Port Jackson Fig)/Within the driveway site.	Remove tree
1 <i>Brachychiton acerifolius</i> (Flame Tree) & 2 <i>Liquidambar styraciflua</i> (Liquidambar)/Within the Unit 3 site.	Remove 3 trees

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.

63. 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.

64. 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.

65. Canopy replenishment trees to be planted

The 7 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.

66. 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

Ageratina adenophora (Crofton Weed)

Araujia hortorum (Moth Vine)

Cinnamomum camphora (Camphor laurel)

Cotoneaster sp. (Cotoneaster)

Ficus pumila (Creeping Fig)

Ligustrum lucidum (Large-leaved Privet)

Ligustrum sinense (Small-leaved Privet)

Ochna serrulata (Ochna)

Olea europaea subsp. africana (African Olive)

Setaria palmifolia (Palm Grass)

Tradescantia albiflora

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**67. 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's 190200M & A32422 have been complied with.

Reason: Statutory requirement.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

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

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions
- a mirror has been provided at the bend in the entry ramp
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 – “Off-street car parking”,
 - The Seniors Living SEPP (as last amended) for accessible parking spaces, are met.

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.

78. 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.

79. Restriction on land title – seniors living development

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that restriction as to use of land under Section 88E of the Conveyancing Act 1919, has been created restricting the occupation of the premises to:

- people 55 or over or people who have a disability
- people who live with people 55 or over or people who have a disability
- staff employed to assist in the administration of and provision of services to housing provided in this development

Reason: To ensure that the development meets the provisions of the Seniors Living SEPP.

80. SEPP Seniors Living Advertising

All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living development and that at least one occupier shall be aged 55 years or over or have a disability.

Reason: To ensure that the development meets the provisions of the Seniors Living SEPP

CONDITIONS TO BE SATISFIED AT ALL TIMES:**81. Noise control – plant and machinery**

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

Reason: To protect the amenity of surrounding residents.

CARRIED UNANIMOUSLY

The Meeting closed at 5.54pm

The Minutes of the Ku-ring-gai Planning Panel held on 15 October 2008 (Pages 1 - 55) were confirmed as a full and accurate record of proceedings on 12 November 2008.

Chairperson