

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 25 JUNE 2008

Present: Elizabeth Crouch (Chairperson)
Kerry Bedford
Bill Tsakalos

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)

The Meeting commenced at 5.00pm

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.

CONFIRMATION OF MINUTES

[sItem]

PP37 **Minutes of Ku-ring-gai Planning Panel**
~S06347|John Clark|Corporate|Confirmation of KPP Minutes of 11 June 2008|NA|~

File: S06347

Meeting held 11 June 2008
Minutes numbered PP32 to PP36

Resolved:

(Moved: Bill Tsakalos/Kerry Bedford)

That Minutes numbered PP32 to PP36 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

[eItem]

MINUTES FROM THE CHAIRPERSON

[sItem]

PP38

Timetable For Town Centres Planning

File: S06523

~S06523|Andrew Watson|Strategy|Timetable For Town Centres Planning|MC|~

At the Panel's last meeting it was decided to take a comprehensive approach to finalising the Town Centres LEP. I indicated at the time that the Panel would continue to provide opportunities for public involvement in the planning process and would seek to build on Council's existing work with a view to maximising the opportunities for revitalisation of the town centres.

At the Panel's next meeting in July it will receive a presentation setting the scene for a more detailed series of information sessions that the Panel will host throughout August. These information sessions will look at the opportunities provided by each town centre. A timetable for these information sessions will be posted on the Council's website in the near future.

The Panel will receive a detailed report on the town centres planning process at its next meeting, but at this stage I can advise that the Panel expects to commence formal exhibition of the a draft LEP in mid November 2008.

Throughout the process the Panel intends to continue meeting with stakeholders and the presentation sessions that were initiated recently.

Resolved:

(Moved: Kerry Bedford/Bill Tsakalos)

That the Minute from the Chairperson, as printed, be adopted.

CARRIED UNANIMOUSLY

[eItem]

GENERAL BUSINESS

[sItem]

PP39

9 Telegraph Road, Pymble

File: DA1337/07

~DA1337/07|Brodee Pendlebury|Development & Regulation|9 Telegraph Road, Pymble|Standard Report|~

Ward: St Ives

The following member of the public addressed the Panel:**S Stefanic**

To refer the application back to the Planning Panel following the receipt of additional information in relation to the access provisions of SEPP (Housing for older people or people with a disability) 2004.

Resolved:

(Moved: Kerry Bedford/Bill Tsakalos)

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

That the Ku-ring-gai Planning Panel, as the consent authority, grant deferred commencement development consent to DA1337/07 for Demolition of existing dwelling and construction of SEPP (Housing for seniors or people with a disability) 2004 development comprising six (6) units with basement car parking for 13 vehicles on land at No 9 Telegraph Road Pymble, for a period of two (2) years from the date of the Notice of Determination, subject to the following terms and conditions:

DEFERRED COMMENCEMENT TERMS:**1. Drainage easement (deferred commencement)**

The applicant shall submit documentary evidence that the property benefits from a drainage easement over the downstream properties as far as the public drainage system (Park Crescent). This consent will not operate until the documentary evidence has been submitted to and approved by Council's Development Engineer.

Reason: To ensure that provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

2. Stormwater drainage (deferred commencement)

The applicant shall submit full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Council's website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flow rates, or detention system overflows where detention systems are to be provided, from the subject property.

The following details must be included:

- plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and

- exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information
- longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail including all trees within seven (7) metres of the proposed drainage system
- means to preserve the root systems of trees within seven (7) metres of the drainage system

This consent will not operate until the required hydraulic design documentation has been submitted to and approved by Council's Development Engineer.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

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

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

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
20708 DA-00 Rev B Site plan	Winter Group Architects	2 April 2008
20708 DA-01 Rev B Basement and lower floor plan	Winter Group Architects	2 April 2008
20708 DA-02 Rev B Ground floor plan	Winter Group Architects	2 April 2008
20708 DA-03 Rev B Upper floor plan	Winter Group Architects	2 April 2008
20708 DA-04 Rev B Elevations	Winter Group Architects	2 April 2008
20708 DA-05 Rev B Elevation and section	Winter Group Architects	2 April 2008
20708 DA-06 Rev B Shadow diagram	Winter Group Architects	2 April 2008
20708 DA-07 Rev B Shadow diagram	Winter Group Architects	2 April 2008

Document(s)	Dated
'Statement of disability access provisions in the proposed Seniors Living development' by Disability Access Consultants Pty Ltd	12 December 2007
'Seniors Living Development - 9 Telegraph Road' by Access Associates Sydney	28 March 2008

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

2. Inconsistency between documents

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

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

3. **Approved landscape plans**

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

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
LA-DA01, 02 & 03 Issue B	Bill Muir	March 2008

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

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

4. **Notice of commencement**

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

Reason: Statutory requirement.

5. **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. **Archival recording of buildings**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to

include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

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

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

7. Dilapidation photos (public infrastructure)

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

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

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

Reason: To protect public infrastructure.

8. 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

- 7 Telegraph Rd Pymble
- 11 Telegraph Rd Pymble

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.

9. Construction and traffic management plan

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

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

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

2. Traffic control plan(s) for the site

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

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

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

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

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

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

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

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

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

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

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

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

safety and protection of people.

10. 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. A suitably qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

Reason: To preserve and enhance the natural environment.

11. Tree protection fencing

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

Schedule Tree/Location	Radius in metres
Tree 3 – <i>Syzygium paniculatum</i> (Brush Cherry) / Adjoining property No. 7 Telegraph Road	5 metres
Tree 7 – <i>Cupressus macrocarpa</i> (Monterey Cypress) / Adjoining property No. 11 Telegraph Road	2 metres

Reason: To protect existing trees during the construction phase.

12. 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.

13. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

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

14. Sample board to be submitted

The exterior of the building is to be painted a mid-tone, neutral colour. A sample board is to be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.

Reason: To maintain streetscape amenity.

15. Bin storage area

The bin storage area must be large enough to accommodate 12 bins. The bin storage area must have a steel trowel finish to the walls and floors, hot and cold hose cocks for cleaning, be suitably ventilated and include night lighting. Any floor waste is to be directed to the sewer. Details are to be submitted to the satisfaction of the Principal Certifying Authority, prior to issue of the Construction Certificate.

Reason: To maintain health and amenity.

16. Privacy and visual amenity

To ensure privacy and visual amenity is maintained to the adjoining properties, the following measures shall be implemented:

- i) A fixed privacy screen shall be installed along the entire length of the eastern elevation of the terrace to Dwelling 2 to a height of 1.8 metres above finished terrace level. The privacy screen shall be constructed of durable material and shall be designed so as to prevent direct overlooking of No. 11 Telegraph Road, Pymble.
- ii) A fixed privacy screen shall be installed along the entire length of the western elevation of the terrace to Dwelling 1 to a height of 1.8 metres above finished terrace level. The privacy screen shall be constructed of durable material and shall be designed so as to prevent direct overlooking of No. 7 Telegraph Road, Pymble.
- iii) A fixed privacy screen shall be installed along the entire length of the western elevation of the balcony to Dwelling 6 to a height of 1.8 metres above finished terrace level. The privacy screen shall be constructed of durable material and shall be designed so as to prevent direct overlooking of No. 7 Telegraph Road, Pymble.

Reason: To maintain neighbour amenity.

17. Amendments to approved architectural & landscape plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved architectural & 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
20708 DA-01 Revision B	Winter Group	02/04/08
20708 DA-02 Revision B	Winter Group	02/04/08
LA-DA01, 02 & 03 Issue B	Bill Muir	March 2008

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

- i) To provide for the optimum growth of screen planting, the retaining wall on the eastern side boundary adjacent to Unit 3 shall be relocated a minimum distance of 1.5 metres from the side boundary and the soil depth above the basement car park shall be a minimum of 700mm.
- ii) To provide for the optimum growth of screen planting, the retaining wall on the eastern side boundary adjacent to Bedrooms 2 & 3 of Dwelling 2 shall be relocated a minimum distance of 1 metre from the side boundary.

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

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

Reason: To ensure adequate landscaping of the site.

18. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
P1248	MYD Consulting Engineers	2/4/2008

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

- Rainwater tank configured to collect the required roof area in accordance with the BASIX commitments.
- Site storage volume/design recalculated for catchment RC1 Rocky Creek.
- Roof water only directed to the proposed rainwater tank system.
- The correct finished floor levels shown on the plans.
- Spillway designed to safely convey all overflows up to the 100 year ARI uncontrolled flow to Park Crescent without adverse impact on neighbouring properties.

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

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

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

19. Long service levy

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

Reason: Statutory requirement.

20. 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.

21. 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 the BASIX commitments.
- **Rainwater tank configured to collect the required roof area in accordance with the BASIX commitments.**
- details of the required on-site detention system 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 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.

Reason: To protect the environment.

22. Stormwater retention

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

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

Reason: To protect the environment.

23. 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 in a position likely to damage any tree protected under Council's Tree Preservation Order, either located on the subject allotment or on adjoining allotments, or Council's road reserve. If services are to be placed under any tree protected by Council's Tree Preservation Order then an arborist shall be consulted to provide recommendations in relation to protection of roots.

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.

24. Pier & beam footings near trees

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

Schedule Tree/Location	Radius from trunk
Tree 7 – <i>Cupressus macrocarpa</i> (Monterey Cypress) / Adjoining property No. 11 Telegraph Road	4 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.

25. 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.

26. 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.

27. 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 (delete clause if not seniors living).
- 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.

28. Drainage of paved areas

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

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

29. 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 Pacific Highway:

- Kerb ramps on both southern and northern sides to provide pedestrian access to the site from the northbound 590 Shorelink bus.

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.

30. Energy Australia requirements

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

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

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

31. Utility provider requirements

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

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

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

32. 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.

33. 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 Contributions for additional dwelling
community facilities	\$428.78
park acquisition and embellishment works	\$6,118.00 (Pymble)
park embellishment works	\$595.60 (Northern area)
sportsgrounds works	\$1,463.00
aquatic / leisure centres	\$86.63
traffic and transport	\$122.22
section 94 Plan administration	\$109.56
subtotal:	\$8,923.79
x occupancy rate (1.3 persons for Seniors Living development)	
subtotal:	\$11,600.927
x 6 dwellings	

Column A	Column B Contributions for additional dwelling
subtotal	\$69,605.562
less credit for existing dwelling 1 x 3 bedroom dwelling	\$24,288.37
TOTAL:	\$45,317.19

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

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

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

34. 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.

35. 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.

36. 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.

37. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

38. Dust control

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

following measures must be adopted:

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

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

39. 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.

40. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas Pty Ltd (refer Report No. 22058Vlet.Pymble, dated 11 April 2008). 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.

41. 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, vibration control and equipment.
- support and retention of excavated faces.
- hydro-geological considerations.
- Dilapidation reporting prior to commencement of any works, as required by another consent condition.
- Foundations/footings.

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Jeffery and Katauskas Pty Ltd (refer Report No. 22058Vlet.Pymble, dated 11 April 2008). 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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 (2002) "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

49. 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.

50. 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.

51. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including

roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

52. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

53. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site and generally in accordance (with required amendments) with the submitted concept stormwater drainage plans by MYD Consulting Engineers Pty. Ltd (refer Job No. P1248, Revision E, dated 2/4/2008). The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

Reason: To protect the environment.

54. Grated drain at garage

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

Reason: Stormwater control.

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

Reason: Statutory requirement.

56. Arborist's report

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

Schedule**Tree/Location**

Tree 7 – *Cupressus macrocarpa* (Monterey Cypress)
/ Adjoining property No. 11 Telegraph Road

Grevillea robusta (Silky Oak), *Quercus robur* (English Oak), *Araucaria heterophylla* (Norfolk Island Pine), *Jacaranda mimosifolia* (Jacaranda) and a *Livistona australis* (Cabbage Tree Palm)
/ Adjoining property No.16B Park Crescent located adjacent to the northern side boundary

Time of inspection

During excavation and construction of the dwelling and the stormwater drainage

During excavation and installation of the stormwater drainage

Reason: To ensure protection of existing trees.

57. 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**

Tree 7 – *Cupressus macrocarpa* (Monterey Cypress)
/ Adjoining property No. 11 Telegraph Road

Grevillea robusta (Silky Oak), *Quercus robur* (English Oak), *Araucaria heterophylla* (Norfolk Island Pine), *Jacaranda mimosifolia* (Jacaranda) and a *Livistona australis* (Cabbage Tree Palm)
/ Adjoining property No.16B Park Crescent located adjacent to the northern side boundary

Radius from trunk

4 metres

5 metres

Reason: To protect existing trees.

58. Approved tree works

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

Schedule**Tree/Location**

Tree 8 – *Cupressus macrocarpa* (Monterey Cypress)
/ South eastern corner

Approved tree works

Removal

Tree 9 – <i>Liquidambar styraciflua</i> (Liquidambar) / Western side boundary	Removal
Tree 15 – <i>Ulmus parvifolia</i> (Chinese Elm) / South western corner	Removal
Tree's 16 – <i>Cupressus sempervirens</i> (Italian Cypress) / Western side boundary	Removal
Tree's 17 – <i>Cupressus sempervirens</i> (Italian Cypress) / Western side boundary	Removal
<i>Sapium sebiferum</i> (Chinese Tallow Tree) / Eastern side boundary, offset 17 metres from front boundary	Removal

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

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

59. 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

Tree 7 – *Cupressus macrocarpa* (Monterey Cypress)
/ Adjoining property No. 11 Telegraph Road
Grevillea robusta (Silky Oak), *Quercus robur* (English Oak),
Araucaria heterophylla (Norfolk Island Pine), *Jacaranda mimosifolia* (Jacaranda) and a *Livistona australis* (Cabbage Tree Palm)
/ Adjoining property No.16B Park Crescent located adjacent to the northern side boundary

4 metres

5 metres

Reason: To protect existing trees.

60. 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.

61. Removal of refuse

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

Reason: To protect the environment.

62. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

63. Removal of noxious plants & weeds

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

Schedule

Plant species

Cinnamomum camphora (Camphor laurel)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Tradescantia fluminensis (Wandering Jew)
Lantana camara (Lantana)
Senna pendula (Cassia)

Reason: To protect the environment.

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

64. 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. 185687M have been complied with.

Reason: Statutory requirement.

65. 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.

66. 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.

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.

67. 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.

68. 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 uses specified in the BASIX commitments.
- basement and subsoil areas are able to drain via a sump system installed in accordance with AS3500.3.
- 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.

69. 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.

70. 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.

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.

71. Easement drainage line construction

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the required interallotment drainage system has been installed and surveyed under the supervision of a designing engineer or equivalent professional.

Note: At the completion of the interallotment works, the following must be submitted to the Principal Certifying Authority for approval:

- details from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation
- a full works as executed drawing of the as built interallotment drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s)

Reason: To protect the environment.

72. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

73. Certification of as-constructed driveway/car park – SEPP Senior

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".
- 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” and the Seniors Living SEPP for accessibility parking spaces are met from the public street into and within the applicable areas of the basement car park.

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

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

74. 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 and layback 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 repair of any footpath 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.

75. Construction of works in public road – approved plans

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

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

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

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

76. Restriction on land title

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:

- seniors or people who have a disability.
- people who live within the same household with seniors 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 SEPP (Housing for Seniors or People with a Disability) 2004

77. 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 (Housing for Seniors or People with a Disability) 2004 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 SEPP (Housing for Seniors or People with a Disability) 2004.

CONDITIONS TO BE SATISFIED AT ALL TIMES

78. Bin collection area

The bin collection area adjacent to the street frontage is not to be used for the long-term storage of bins. Bins are not to be stored in the collection area for more than one (1) day prior to and after garbage collection.

Reason: To maintain streetscape amenity.

CARRIED UNANIMOUSLY

[eItem]

[sItem]

PP40

1 to 9 Woniora Avenue, Wahroonga - Alterations & Additions to Existing Residential Flat Building to include Communal Facilities

File: DA0188/08

~DA0188/08|Robyn Pearson|Development & Regulation|1 To 9 Woniora Avenue, Wahroonga - Alterations And Additions To Existing Residential Flat Building To Include Communal Facilities|Property Report With Summary|~

Ward: Wahroonga

Applicant: Becton Property Group

Owner: Becton Property Group

To determine Development Application No 0188/08 for alterations and additions to an existing multi unit development to include communal areas, on-site management facilities and linkages between the three buildings.

Resolved:

(Moved: Bill Tsakalos/Kerry Bedford)

THAT the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA0188/08 for alterations and additions to an existing multi unit development including the provision of communal area, on-site management facilities and covered walkways on land at 1-9 Woniora Avenue, Wahroonga 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:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA01-DA08 – Rev B	Owen & Gilsean Architects	26-05-08 received at Council on 27 May 2008

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

2. Inconsistency between documents

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

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

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

3. Notice to be given prior to demolition or excavation

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

Reason: Statutory requirement.

4. Notice of commencement

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

Reason: Statutory requirement.

5. Notification of builder's details

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

Reason: Statutory requirement.

6. Construction and traffic management plan

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

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

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

2. Traffic control plan(s) for the site

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

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

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

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

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

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

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

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

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

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

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to

this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

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

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

7. 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.

8. 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.

9. Access for people with disabilities (residential)

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the

Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

10. Amended landscape and architectural Plans

The courtyard area to the north of Block A is to be deleted from the architectural plans and must be integrated into the adjacent soft landscaped area with a similar planting palette to the immediate area on the previously approved landscape plan.

The temporary tensile structure over the front entry path to Block A must also be deleted from the architectural and landscape plan.

The landscape and architectural plans must be amended accordingly to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure adequate landscaping of the site.

11. Cleanliness and maintenance of food preparation areas

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

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas.
- elevations and sections showing floor, wall and ceiling construction and finishes.
- elevations and sections showing the installation of fixtures and fittings.
- cool room/freezer construction.
- internal garbage room/grease trap room construction and ventilation
- external garbage storage area.
- external grease trap area.
- all proposed mechanical ventilation systems.
- staff disabled and public toilet facilities.

Reason: To ensure compliance with standards for food premises.

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

12. 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.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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

24. 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.

25. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's 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.

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

26. Accessibility

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

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

- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods.

Reason: Disabled access & services.

27. Compliance with NaTHERS rating

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that the remaining 53 units achieve an overall rating of 4.613 stars.

Reason: To ensure sustainable development

28. 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.

29. 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.

30. Infrastructure repair

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

Reason: To protect public infrastructure.

31. Mechanical ventilation

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

1. The installation and performance of the mechanical systems complies with:

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

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

Reason: To protect the amenity of surrounding properties.

32. Fire safety certificate

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

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

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

33. No commercial use

No part of the approved building may be utilised for a commercial purpose such as a sale's office or public restaurant. All services provided within the communal areas of the development shall be solely for the use of occupants of the development and their guests. The communal area must not be used as a restaurant or function centre and alcohol must not be sold on the site.

Reason: To ensure that communal areas on Level 1 of the development are used solely for the benefit of residents of the building, to protect residential amenity and to ensure that no commercial activity is carried out within the building.

34. No public entertainment

This consent gives approval for communal and management facilities on the ground floor of Block A but not for any forms of musical or entertainment activities. No "*public entertainment*", as defined under *Local Government Act, 1993* is to be provided within the premises unless approved by a development application under the *Environmental Planning and Assessment Act, 1979*.

Reason: To maintain the amenity of adjoining properties

35. No speakers or music outside

A public address system or sound amplifying equipment shall not be installed in or upon the premises so as to cause or permit the emission of sound onto any public place unless prior development consent has been obtained.

Reason: To maintain the amenity of adjoining properties

36. Noise levels

The L_{A10} *noise level emitted from the communal areas and management facilities on the ground floor of Block A shall not exceed the background noise level in any octave band centre frequency (31.5Hz-8Hz inclusive) by more than 5dB at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the communal and management facilities on the ground floor of Block A shall not be audible within any habitable room in any residential premises, within the development site and/or adjoining properties.

* For the purposes of this condition, the L_{A10} can be taken as the average maximum deflection of the noise emission from the communal and management facilities.

Reason: To maintain the amenity of adjoining properties

37. Hours of operation

At all times, the hours of operation for the communal facilities are to be restricted to:

Monday to Sunday including public holidays is 7am to 10pm

Reason: To protect the amenity of the area.

38. Maximum seating capacity

The seating capacity of the dining room is to be restricted to a maximum of 102 persons at any one time.

Reason: To protect the amenity of surrounding residents.

39. Signage

A clearly visible sign shall be permanently erected immediately adjacent to the entry/exit doors indicating that the guests of residents are to leave in an orderly fashion and shall leave the vicinity of the premises in a manner that does not disturb the quiet and good order of the neighbourhood.

Reason: To maintain the amenity of adjoining properties.

CARRIED UNANIMOUSLY

[eItem]

[sItem]

PP41

35 to 45 Water Street & 64 Billyard Avenue, Wahroonga - 61 Self-Care Dwellings & Associated Communal Facilities including the Partial Conservation & Adaptive Reuse of 'Rippon Grange' & its Associated Stables & Restoration of Significant Landscape Elements

File: DA1333/07

~DA1333/07|Graham Stewart|Development & Regulation|35 To 45 Water Street & 64 Billyard Avenue, Wahroonga - 61 Self-Care Dwellings And Associated Communal Facilities Including The Partial Conservation And Adaptive Reuse Of 'Rippon Grange' And Its Associated Stables And Restoration Of Significant Landscape Elements|Property Report With Summary|~

Ward: Wahroonga

Applicant: Murlan Consulting P/L

Owner: Waterbrook at Wahroonga P/L

The following members of the public addressed the Panel:

B Pointon

F Gulson

C Harris

J Craig

A Parr

B Chambers

P Daly

S Muirhead

K Ryan

M Jones

Speech tabled by J Sinclair

To determine DA1333/07 for restoration of the existing heritage item and construction of 61 units within 4 buildings and other associated works under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

Resolved:

(Moved: Kerry Bedford/Bill Tsakalos)

That the Ku-ring-gai Planning Panel, as the consent authority, refuse consent to Development Application No 1333/07 for demolition of part of the existing heritage building 'Rippon Grange' and other nominated heritage structures and the erection of

61 units under the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability), 2004 at 35 Water Street and 64 Billyard Avenue, Wahroonga, being Lot 1 and 2, DP375262 and Lot 1 DP 726091 for the following reasons:

1. The development will have a significant detrimental impact on the natural and built heritage values of the site and on the surrounding urban conservation area

Particulars

- a) There would be substantial adverse impacts on the existing building (Rippon Grange), the site, the garden setting, impacts on important trees, landscape items, impacts on important visual relationships on the site and important spaces and elements forming its setting.
- b) Proposed Building B is too high, too long, visually dominates the main building and garden and would have unacceptable adverse impact. Its location across the site eliminates the north – south view corridor from the existing house and entry loop area to the garden, former stables and tall eucalypts along the southern boundary
- c) Visual connections through the sitting/lobby area (Building B) between the main house and the southern parts of the site would not achieve a satisfactory outcome in terms of retaining important visual corridors.
- d) The surrounding area is characterised by relatively large mainly two storey houses set into established garden settings, many containing tennis courts, pool and extensive landscaped areas. Many are individual heritage items. The scale of the new buildings is excessive and out of character with the adjoining residential area which is classified as a National Trust UCA and would have considerable adverse impact on it.
- e) Proposed Buildings A and B and the proposed stormwater drainage lines will impact on three highly significant heritage trees: (trees 45A, 66 and 78) through canopy and root pruning necessitated by inadequate setback from the trees. Tree 45A and 66 are most likely to succumb to the loss of natural hydrology due to the deep excavation for Building B.
- f) These impacts are contrary to the provisions of clause 33(b) Neighbourhood Amenity and Streetscape of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 which require that development retains, complements and sensitively harmonises with heritage items and Clause 33(f) which requires that major trees are retained.
- g) These impacts are contrary to the provisions of Clause 9 (Context and Scale) of State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development.
- h) The proposal unnecessarily removes excessive amounts of original internal fabric from the existing 'Rippon Grange' building.

2. The development does not comply with the maximum building height and floor space ratio requirements development standards

- a) The development does not comply with the maximum building height and floor space ratio requirements. As a result, the development is excessive in scale and bulk, which is out of character and inappropriate.
- b) The density of the proposed development is understated and makes no allowance for the excess car spaces (upwards of 1200m²) provided (car spaces in excess of the SEPP or Council requirements are not excluded from the definition of gross floor space.
- c) No SEPP 1 objection in respect of the FSR non-compliance has been submitted.
- d) These impacts are contrary to the provisions of Clauses 10, and 12 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development

3. The development is out of context, inappropriately sited and is out of character with the surrounding low density residential area

- a) The development is inappropriate in density and scale, which is intrusive, overbearing and out of context with the lower density residential character of the area. It is inappropriately sited with respect to the surrounding low density residential area and would visually dominate the immediate area.
- b) These impacts are exacerbated by the inappropriate location of Buildings A and B in close proximity to the lower scale dwellings at 3 and 5 Plymouth Close and 33 Water Street. Buildings A and B have maximum top floor ceiling levels of RL 202.5 and RL 210.35, respectively. The rear private open space ground levels of 33 Water Street, 3 and 5 Plymouth Close vary because of the slope of the site but are approximately at RL 197.5, 191.5 and 187, respectively. The proposed buildings far exceed these levels and will appear overbearing when viewed from the main private open space of these properties.
- c) As a result, the development is contrary to the provisions of: cl.33(a) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 which requires that development recognises the desirable elements of the surrounding area and contributes to the quality and identity of the area; cl. 33(c) which requires that building heights to the street frontage are compatible in scale with adjacent development; cl.9 and 11 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

4. The proposed development will have a significant detrimental impact on the Blue Gum High Forest – Critically Endangered Ecological Community (BGHF-CEEC)

Particulars

- a) A total area of approximately 0.25 hectares of BGHF is likely to be directly impacted by new construction comprising some 30% of the existing BGHF on the site.
- b) The new buildings will alter the microclimate and soil properties within adjoining BGHF through increased shading and reduced solar radiation, changes in wind movement, alteration of surface water flow and soil moisture levels, and changes in nutrient levels. Such impacts can occur for up to 50 metres from the boundary.
- c) Due to the upslope location and close vicinity of the development to BGHF to be retained, there is also likely to be extensive indirect impacts within the area to be retained through edge effects and changes in hydrology. Existing documentation provided with the SIS fails to provide a comprehensive assessment of such impacts.
- d) Land immediately upslope of the BGHF is relatively natural with significant areas of vegetation and relatively natural soil surfaces. The replacement of this with extensive impervious surfaces and the construction of basement parking levels will change the amount of rainfall available to BGHF both from surface runoff and subsurface flows. BGHF is likely to be sensitive to any reduction in soil moisture levels with resultant changes in species composition. Given the characteristics of the local area, there is likely to be a perched water table approximately 1 m below the surface at the site into which roots of the canopy trees and larger shrubs are likely to penetrate. A lowering of this water table could adversely impact these species.
- e) The combination of direct and indirect impacts has the potential to significantly reduce the size of the existing remnant, degrade remaining BGHF and threaten long-term viability of the community both at the site and within the immediate area.
- f) As a result, the proposal is contrary to the provisions of Clause 33(f) of the SEPP which requires that major trees be retained.
- g) The development is a key threatening process and will have a significant detrimental impact on the critically endangered ecological community, which is contrary to the provisions of Section 5A(2) of the Environmental Planning and Assessment Act, 1979.

5. The proposed development will have potential privacy impacts external to the development

Particulars:

There is some potential for overlooking of the adjoining dwellings to the west of the proposed development and No. 44 Billyard Avenue.

The above issue is contrary Clauses 34 and 35 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and cl.11 of State

Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

6. **Use of the dining area within 'Rippon Grange' as a restaurant and the potential public use of the beautician area within Building B are not permissible uses pursuant to State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.**

The conservation incentives relating to heritage items under Clause 61H(1)(c) and (d) of the Ku-ring-gai Planning Scheme Ordinance do not apply to applications made under this SEPP.

7. **The proposal fails to satisfy the requirements of Development Control Plan No.40 and Policy for Construction and Demolition Waste Management.**

Particulars:

- a) There will be unacceptable amenity impacts to surrounding residents from compactor noise, flashing night and driving lights and engine noise of the vehicle reversing into and out of the collection area.
- b) No design detail of the area has been provided in regard to general layout, screening, cleaning, etc.
- c) The bin storage area adjacent to the Young Street access driveway is considered too small for the 62 x 240 litres bins required to service the proposed development.

8. **Non-compliance with access width requirements of the NSW Fire Brigade**

Particulars

The bitumen access pathway, traversing the site from Water Street to the rear of the properties fronting Billyard Avenue, does not comply with the minimum width of 6 metres required by the NSW Fire Brigade to allow rapid and effective deployment of fire trucks on the site.

9. **The proposal fails to provide sufficient detail or information in regard to the following matters:**

- (i) **The proposal fails to provide a State Environmental Planning Policy No.1 (Development Standards) objection to Clause 40(4)(a) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004**

Particulars

The height of Building D is not 8 metres in height or less.

- (ii) **The proposal fails to provide a State Environmental Planning Policy No.1 (Development Standards) objection to Clause 50(b) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004**

Particulars

The density and scale of the buildings when expressed as a floor space ratio is greater than 0.5:1

- (iii) **The proposal fails to provide a State Environmental Planning Policy No.1 (Development Standards) objection to Clause 40(4)(c) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.**

Particulars:

Part of the building in the rear 25% of the site at 64 Billyard Avenue exceeds the single storey height limit as the garage area is more than 1 metre above the ground. (Clause 3(2) SEPP).

- (iv) **The proposal requires referral to the Federal Department of the Environment, Water, Heritage and the Arts (EWHA) to determine if this action is classed as a matter of national environmental significance**

Particulars:

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999) requires the approval of the Federal Minister for the Environment (in addition to any State or Local Government approval or determination) for actions that will have or are likely to have, a significant impact on a matter of national environmental significance. Threatened species and communities listed in the EPBC Act are considered to be a 'Matter of National Environmental Significance'.

The applicant has not referred the proposal to the Federal Department of the Environment, Water, Heritage and the Arts (EWHA) to determine if this action is classed as a matter of national environmental significance.

- (v) **Hydrology**

Particulars:

The following is required to characterise the shallow groundwater system fully and to allow potential impacts to be assessed:

- a) Provision of bore logs and water level records for existing piezometers;
- b) Installation of additional piezometers to allow monitoring of the perched groundwater system in the residual clay profile in the area(s) where construction will occur close to the BGHF. These should be drilled to the base of the clay profile/top of bedrock or immediately below. Installation of at least two pairs of piezometers is recommended, with one located a few metres down slope of the other in each pair to allow accurate assessment of local hydraulic gradients;
- c) Hydraulic testing in all piezometers to allow estimation of hydraulic conductivity values of the shallow strata (note: it is acknowledged that interpretation of results of such testing in clay formations can carry uncertainty, but results will at least provide indicative values);
- d) Monitoring of groundwater levels, fluctuations and hydraulic gradients in the sensitive areas for a period of at least several months (ideally including one or more rain events);
- e) Characterisation of the shallow groundwater system, including existing groundwater level conditions and fluctuations, response to rainfall and quantification of the groundwater flux under a range of conditions;
- f) Assessment of potential losses due to the proposed development, mitigation measures required and design of such measures;
- g) Review of the potential losses and proposed mitigation measures by a suitably qualified ecologist for assessment of potential impacts to the BGHF.

(vi) Traffic and parking design

Particulars:

- a) The widths of the internal car park ramps (straight and curved) do not satisfy the minimum width requirement of Development Control Plan No.43 (Car Parking) (DCP43).
- b) Conflicts would occur between the 85% vehicle and the 99% vehicle at the intersections of ramps and aisles. Manoeuvrability between ramps and aisles is also difficult. Does not comply with AS2890.1 (Off street car parking).
- c) The 2 access points on the Young Street frontage are narrower than the minimum requirement for the respective Category 1 and 2 access point under DCP43. The main access point off Young Street should be wider than the 6m minimum.

- d) To maintain sight distances and sight lines to pedestrians, there should be low fences at the access points within the 2m wide x 5m long sight line triangle specified in DCP43.
- e) More information required regarding grades at access point to Building A/B/C.
- f) Given the number of constraints on all 3 road frontages of the site, the issue of construction site access remains outstanding
- g) Turning path diagrams for all proposed site entry and exit points for all vehicles to use each point.
- h) Turning path for largest truck and trailer turning from Young Street into Billyard Avenue.
- i) Site plan showing where construction employees will park on site at all stages of the works.
- j) Neither Water Street nor Young Street permit access to the site by the aerial appliance nominated by NSW Fire Brigades and described in *Guidelines for Emergency Vehicle Access*. The pavements are too narrow for the turning path required

CARRIED UNANIMOUSLY

[Item]

The Meeting closed at 6.00pm

The Minutes of the Ku-ring-gai Planning Panel held on 25 June 2008 (Pages 1 - 54) were confirmed as a full and accurate record of proceedings on 23 July 2008.

Chairperson