

MINUTES OF KU-RING-GAI PLANNING PANEL HELD ON WEDNESDAY, 29 JULY 2009

Present: Elizabeth Crouch (Chairperson)
Bill Tsakalos

Staff Present: General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Senior Governance Officer (Geoff O'Rourke)

The Meeting commenced at 5.00pm

PP16 **APOLOGIES**

File: S06347

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

Resolved:

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

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Chairperson adverted to the necessity for 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

PP17 **Minutes of Extraordinary Ku-ring-gai Planning Panel**

File: S06347

Meeting held 25 June 2009
Minutes numbered EPP1 to EPP3

Resolved:

(Moved: B Tsakalos/Chairperson, E Crouch)

That Minutes numbered EPP1 to EPP3 circulated to Panel Members were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

PP18 **1179 Pacific Highway & 2 Warrangi Street, Turramurra - Demolition of Existing Structures & Construction of a Residential Flat Building comprising 45 Apartments & Basement Car Parking for 67 Cars**

File: DA0156/09

Ward: Wahroonga

Applicant: Mackenzie Architects Pty Ltd

Owners: Mr Brendan Roger Sheedy & Mrs Joan Helen Sheedy, Dr R C Ibanez & Mrs Salud G Ibanez

The following members of the public addressed the Panel:

**T Pham
R Hains
J Kirwin
M Lee
M Lothian
H Willis
D McKenzie**

To determine development application No. 0156/09 which is for demolition of existing structures, construction of a residential flat building comprising 45 apartments and basement car parking for 67 cars.

Resolved:

(Moved: Chairperson, E Crouch/B Tsakalos)

That the Ku-ring-gai Planning Panel, as the consent authority, refuse DA0156/09 for demolition of existing structures and construction of a residential flat building comprising 45 apartments and basement car parking for 67 cars on land at No 1179 Pacific Highway and No 2 Warrangi Street, Turramurra, for the following reasons:

1. The proposed northern side setback of 3m to No 4 Warrangi Street does not comply with the required 6m side setback and has adverse impacts relating to privacy, inadequate area for substantial landscaping and private courtyards,

- inadequate building separation to existing and likely future development and streetscape impacts.
2. The proposed street frontage width to Warrangi Street of 20.4m is well below the required minimum 30m width, with resultant adverse impacts including inadequate side boundary setback, inadequate landscaping, privacy impacts and streetscape impact.
 3. No SEPP 1 objection has been submitted in regard to the non-compliance with the street frontage development standard.
 4. An excessive number of units have a western orientation only (27%) with a total of 44% of all units having only a western or western/southern orientation to living areas, with a resultant adverse impact on internal amenity.
 5. The proposal is unsatisfactory with regard to the objectives and provisions of SEPP 65 and the Residential Flat Design Code, DCP 55 and LEP 194 with regard to building separation being less than the required 12m and 18m, adverse privacy impacts on adjoining properties, inadequate side setbacks, unsatisfactory occupant amenity (unit layout, excessive number of units with western orientation, excessive unit depth), building design, landscaping, energy efficiency and aesthetics.
 6. The traffic report is unsatisfactory with regard to:
 - entry within 6metres of kerb tangent point
 - pinch point in entry driveway
 - serious point of conflict at divergence of ramps to Car Park 1 and Car Park 2, and also between Car Park 2 and Car Park 3.
 - turning paths for small waste collection vehicle
 - a 2.5m minimum head clearance not being identified
 7. No indicative construction management plan has been submitted to demonstrate that the proposal can be constructed without resulting in adverse traffic and pedestrian impacts.
 8. The water management details are inadequate with regard to the absence of details (invert level of pit in Pacific Highway), the absence of a water quality device, absence of a child proof fence around the above ground OSD, discrepancies between the BASIX Certificate and the stormwater management plan and impact on tree 24 as a result of basement excavation.
 9. The proposed landscaping is unsatisfactory with regard to:
 - Excessive tree removal and associated impacts
 - Non compliance with BASIX
 - Non compliance with the Threatened Species Act and Part 5A of the Environmental Planning and Assessment Act 1979 requirements for submission of a flora and fauna report & 7 part test for SBGHF.
 - Inadequate setbacks for private courtyards and unsatisfactory landscape amenity.

10. The proposal is not in the public interest.

CARRIED UNANIMOUSLY

PP19 **15 to 17 Corona Avenue & 3 to 5 Nola Road, Roseville - Demolition of 4 Dwellings, Construction of 2 Residential Flat Buildings comprising 48 Units, Basement Car Parking, Landscaping & Other Associated Works**

File: DA0145/09

Ward: Roseville

Applicant: Hyecorp Property Group

Owners: Hyecorp Property Fund No 3 Pty Ltd, Mr M Winnick & Mrs G Winnick, Mr V Narula & Mrs B Narula, Mr J E Sharp & Mrs L M Sharp

The following members of the public addressed the Panel:

**N Solichin
M Hill
S Abolakian
D Grosvenor**

To determine development application No. 0145/09, which seeks consent for the demolition of four dwellings and construction of two residential flat buildings comprising 48 units, basement car parking and access from both Nola Road and Corona Avenue.

Resolved:

(Moved: Chairperson, E Crouch/ B Tsakalos)

That the Ku-ring-gai Planning Panel, as the consent authority, grant development consent to DA 145/09 for demolition of 4 dwellings, construction of 2 residential flat buildings comprising 48 units, basement car parking, landscaping and other associated works on land at 15 to 17 Corona Avenue and 3 to 5 Nola Road, Roseville, 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

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:

Dwg No	Rev	Description	Drawn by	Dated	Lodged
DA-01	-	Nola Basement 2 & 3	Wolski Coppin	18-3-09	23-3-09
DA-02	-	Nola Basement 1	Wolski Coppin	18-3-09	23-3-09
DA-03	-	Nola Level 1a & Corona B2	Wolski Coppin	18-3-09	23-3-09

Dwg No	Rev	Description	Drawn by	Dated	Lodged
DA-04	-	Nola Level 2a/1b & Corona B1	Wolski Coppin	18-3-09	23-3-09
DA-05	-	Nola Level 3a/2b & Corona Level 1a	Wolski Coppin	18-3-09	23-3-09
DA-06	-	Nola Level 4a/3b & Corona Level 2a/1b	Wolski Coppin	18-3-09	23-3-09
DA-07	-	Nola Level 5a/4b & Corona Level 3a/2b	Wolski Coppin	18-3-09	23-3-09
DA-08	-	Nola Level 6a/5b & Corona Level 4a/3b	Wolski Coppin	18-3-09	23-3-09
DA-09	-	Nola Roof Plan & Corona Level 5a/4b	Wolski Coppin	18-3-09	23-3-09
DA-10	-	Corona Level 6a/5b	Wolski Coppin	18-3-09	23-3-09
DA-11	-	Section A-A	Wolski Coppin	18-3-09	23-3-09
DA-12	-	East & west Elevations	Wolski Coppin	18-3-09	23-3-09
DA-13	-	North & south elevations and fence elevation	Wolski Coppin	18-3-09	23-3-09
DR-01	-	Nola Road Car Park entry Section	Wolski Coppin	18-3-09	23-3-09
DR-02	-	Corona Avenue Car Park entry Section	Wolski Coppin	18-3-09	23-3-09
194	B	Landscape Plan	iScape	11-05-09	26-05-09
195	B	Landscape Plan – low water use plan	iScape	11-05-09	26-05-09

Document(s)	Prepared by	Dated
Construction Traffic Management Plan	Traffic and Transport Planning Associates	March 2009
Schedule of Colours & Materials	Wolski-Coppin Architecture	18 March 2009
BASIX Certificate No. 2383319M	Assessor No. 20399	17 March 2009
Flora & Fauna Assessment and 7 Part test	Keystone Ecological	June 2009
Revised Vegetation Management Plan	Keystone Ecological	July 2009

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

2. Inconsistency between documents

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

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

3. Approved landscape plans

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

Plan no.	Drawn by	Dated
76.09(08)/194'B'	iScape	11/05/09

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

determination.

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

4. Road opening permit

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

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

5. Construction stage parking restrictions

The applicant is to install 'No Parking' signs in Corona Avenue, opposite the site entry/ exit point, which would be effective for the approved hours of construction. The signs are to be considered by the Willoughby Traffic Committee and approved by Council, and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Willoughby Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued.

Reason: To maintain vehicular access in Corona Avenue.

6. Notice of commencement

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

Reason: Statutory requirement.

7. Notification of builder's details

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

Reason: Statutory requirement.

8. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Corona Avenue and Nola Road over the site frontage, as well as Kings Avenue and Maclaurin Parade.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

9. Dilapidation survey and report (private property)

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

Address

- 11 and 19 Corona Avenue
- 1 and 7 Nola Road

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

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

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is

for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

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

10. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level. The report is to address such matters as:

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

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

Reason: To ensure the safety and protection of property.

11. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (CTMP), which is to be approved prior to the commencement of any works on site.

The plan is to consist of a report with Traffic Control Plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development.

The report is to contain construction vehicle routes for approach and departure to and from all directions.

All heavy vehicle access to the site is to be from Corona Avenue, as stated in the letter from City Civil dated 11 February 2009.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- Demolition
- Excavation
- Concrete pour
- Construction of vehicular crossing and reinstatement of footpath
- Traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory CTMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

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.

12. Work zone

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

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

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

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

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

13. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

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

14. Sediment controls

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

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

Reason: To preserve and enhance the natural environment.

15. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

16. 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**

#11 <i>Syncarpia glomulifera</i> (Turpentine)	10.0m
Adjacent to northern site corner in neighbouring property	
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum)	9.0m
Adjacent to northern site corner	
#17 <i>Pittosporum undulatum</i> (Sweet Pittosporum)	2.0m
Adjacent to Nola Rd site frontage	

Schedule Tree/location	Radius in metres
#19 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to north-west site corner	8.0m
#23 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to south-west site boundary	3.0m
#27 <i>Melia azadarach</i> (White Cedar) Adjacent to western side boundary	2.0m
#36 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	4.0m
#37 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to southern site boundary	3.0m
#38 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to southern site boundary	3.0m
#39 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site corner	3.0m
#40 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to southwest site corner in neighbouring property	6.0m

Reason: To protect existing trees during the construction phase.

17. 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.

18. Tree protection signage

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

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

Reason: To protect existing trees during the construction phase.

19. Tree protection mulching

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

Reason: To protect existing trees during the construction phase.

20. Tree protection – avoiding soil compaction

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

Schedule**Tree/Location**

- #11 *Syncarpia glomulifera* (Turpentine)
Adjacent to northern site corner in neighbouring property
- #12 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to northern site corner
- #19 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to north-west site corner
- #27 *Melia azadarach* (White Cedar)
Adjacent to western side boundary
- #40 *Eucalyptus resinifera* (Red Mahogany)
Adjacent to south-west site corner in neighbouring property

Reason: To protect existing trees during the construction phase.

21. Trunk protection

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

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

Schedule**Tree/Location**

- Eucalyptus saligna* (Sydney Bluegum) x 3
Nola Rd nature strip

Reason: To protect existing trees during the construction phase.

22. 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:**23. Lot consolidation**

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

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

24. Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
76.09(08)/194'B'	iScape	11/05/2009

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

- The proposed planting of *Livistona australis* (Cabbage tree palm) within the Corona Avenue site frontage are to be deleted and replaced with *lagerstroemia indica* (Crepe Myrtle) or similar deciduous exotic tree species.
- The proposed planting of *Certaopetalum gummiferum* (NSW Christmas Bush) within the site frontage to Corona Avenue is to be deleted and replaced with a deciduous exotic tree species capable of attaining a minimum height of 6.0-8.0m.
- To maintain resident amenity, an internal pathway/access point is to be maintained to the lawn area within the Corona Avenue site frontage.

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

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

Authority.

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

25. 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.

26. 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.

27. (Condition Deleted)

28. 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.

29. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the adaptable units nominated in the development application, being Unit Nos. 8 & 18 in Building A (Nola Road) and Unit Nos. 6, 11 & 17 in Building B (Corona Avenue), are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

Reason: Disabled access & amenity.

30. Stormwater management plan

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

- exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- Since there are no BASIX commitments for rainwater re-use for toilet flushing, and only 5 cubic metres of rainwater storage are required, an additional 15 cubic metres of on site detention is required. This volume may be achieved with an increase in the size of the detention tank and reduction in the size of the rainwater tank.
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of

Development Control Plan 47 for design)

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

Reason: To protect the environment.

31. 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.

32. Location of plant (residential flat buildings)

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

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

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

33. 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.

34. Driveway grades – basement car parks

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

- vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

35. Basement car parking details

Prior to issue of the Construction Certificate, certified parking layout plan(s) to

scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of 2.6 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

36. Car parking allocation

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

	Nola Road Building	Corona Avenue Building
Resident car spaces	29	34
Visitor spaces	6	8
Total spaces	35	42

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

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

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

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

37. Number of bicycle spaces

The basement car park shall be adapted to provide at least 7 bicycle spaces in Building A (Nola Road) and 7 bicycle spaces in Building B (Corona Avenue) in accordance with the requirements of Part 5.1 of DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a

Construction Certificate.

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

38. 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 Nola Road:

- upgrading of the timber bridge in Nola Road to accommodate Council's small waste collection vehicle, including a suitable vehicle restraint barrier, as outlined in Patridge Partners Structural Assessment of Vehicle Access Bridge at 3 Nola Road dated 19 May 2009.

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

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

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

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

39. 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.

40. 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):

41. 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.

42. Section 94 contribution – residential development (new construction)

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 (Amendment 2) for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
Community facilities (district)	\$30,936.87
Park acquisition and embellishment works	\$531,350.86
Park embellishment works	\$59,598.25
Sportsgrounds works	\$105,859.04
Aquatic / leisure centres	\$6,266.83
Traffic and transport	\$8,841.45
Section 94 Plan administration	\$7,925.91
Sub total (1):	\$750,779.19

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

Town Centres Development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai town Centres Development Contributions Plan 2008 for the services detailed in column A and for the amount detailed in Column B is required:

Column A	Column B
Access and transport facilities	\$113,222
Community facilities (local)	\$26,475
Streetscape and public domain facilities	\$312,912
Other (supporting studies)	\$1,581
Sub total (2):	\$454,199
Total contribution (1+2):	\$1,204,978.19

Reason: To ensure the provision, extension or augmentation of community facilities, access and transport, streetscape and the public domain, and administration that will, or are likely to be, required as a consequence of the development.

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

43. Tree protection bond

Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$7 000.00 tree protection bond with Council. This bond is to provide security that the following trees are maintained in a healthy condition as found prior to commencement of work upon the site.

Schedule

Tree/location

Eucalyptus saligna (Sydney Bluegum) x 3/Nola Road frontage

Bond value

\$7,000.00

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

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

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

43A. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system

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

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

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

44. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

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

Reason: Statutory requirement.

45. 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.

46. Engineering fees

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

Reason: To protect public infrastructure.

47. Demolition, excavation and construction work hours

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

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

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

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

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

48. Construction noise

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

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

49. 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.

50. 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.

51. Further geotechnical input

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

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

Reason: To ensure the safety and protection of property.

52. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

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

Reason: To ensure the safety and protection of property.

53. Use of road or footpath

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

Reason: To ensure safety and amenity of the area.

54. Guarding excavations

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

Reason: To ensure public safety.

55. Toilet facilities

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

Reason: Statutory requirement.

56. 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.

57. Approval for rock anchors

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

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

58. 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.

59. 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.

60. 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.

61. 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.

62. Temporary rock anchors

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

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

wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

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

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

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

63. 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.

64. Drainage to natural watercourses

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the watercourse in Nola Road. New drainage line connections to the watercourse must conform and comply with the requirements of the Department of Water and Energy.

Reason: To protect the environment.

65. 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.

66. 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**

#11 *Syncarpia glomulifera* (Turpentine)
Adjacent to northern site corner in neighbouring property

#11a *Brachychiton acerifolius* (Illawarra Flame Tree)
Adjacent to northern site corner

#12 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to northern site corner

#17 *Pittosporum undulatum* (Sweet Pittosporum)
Adjacent to Nola Rd site frontage

#19 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to north-west site corner

#27 *Melia azadarach* (White Cedar)
Adjacent to western side boundary

#36 *Brachychiton acerifolius* (Illawarra Flame Tree)
Adjacent to southern site boundary

#37 *Pittosporum undulatum* (Sweet Pittosporum)
Adjacent to southern site boundary

#38 *Pittosporum undulatum* (Sweet Pittosporum)
Adjacent to southern site boundary

#39 *Brachychiton acerifolius* (Illawarra Flame Tree)
Adjacent to southern site corner

#40 *Eucalyptus resinifera* (Red Mahogany)
Adjacent to south-west site corner in neighbouring property

Eucalyptus saligna (Sydney Bluegum) x 3
Nola Rd nature strip

Time of inspection

Immediately prior to the commencement of any works on site

Immediately prior to excavation/grading works

Immediately after excavation/regrading works on site

At four monthly intervals during construction works

Immediately after completion of all works on site

Reason: To ensure protection of existing trees.

67. Disposal of seepage and stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council's Environmental Health Officer.

Reason: To protect the environment.

68. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule**Tree/location**

#40 *Eucalyptus resinifera* (Red Mahogany)
Adjacent to southwest site corner in neighbouring property

Tree works

Root pruning

Reason: To protect the environment.

69. Treatment of tree roots

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

Reason: To protect existing trees.

70. Cutting of tree roots

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

Schedule Tree/location	Radius from trunk
#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern site corner in neighbouring property	10.0m
#11a <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to northern site corner	4.0m
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to northern site corner	11.0m
#17 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to Nola Rd site frontage	3.0m
#19 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to north-west site corner	10.0m
#20 <i>Cinnamomum camphora</i> (Camphor laurel) Nola Rd nature strip	8.0m
#21 <i>Cinnamomum camphora</i> (Camphor laurel) Nola Rd nature strip	7.0m
#23 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to south-west site boundary	3.0m
#27 <i>Melia azadarach</i> (White Cedar) Adjacent to western side boundary	3.0m
#36 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site boundary	4.0m
#37 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to southern site boundary	3.0m
#38 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to southern site boundary	3.0m
#39 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to southern site corner	3.0m
#40 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to south-west site corner in neighbouring property	7.0m
#41 <i>Brachychiton acerifolius</i> (Illawarra flame Tree) Adjacent to south-west site corner in neighbouring property	3.0m
<i>Eucalyptus saligna</i> (Sydney Bluegum) x 3 Nola Rd nature strip	10.0m

Reason: To protect existing trees.

71. Approved tree works

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

Schedule

Tree location

Approved tree works

#1 <i>Acer negundo</i> (Box elder) Centrally located on site	Removal
#2 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south-west side boundary, Corona Ave	Removal
#4 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-west side boundary	Removal
#5 <i>Cupressus sempervirens var. Stricta</i> (Italian Cypress) Adjacent to southwest side boundary	Removal
#6 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to south-west side boundary	Removal
#7 <i>Eucalyptus microcorys</i> (Tallowood) Adjacent to south-west side boundary	Removal
#8 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located on site	Removal
#9 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located on site	Removal
#10 <i>Celtis australis</i> (Nettle Tree) Centrally located on site	Removal
#13 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to Nola Rd site frontage	Removal
#14 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to Nola Rd site frontage	Removal
#15 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to Nola Rd site frontage	Removal
#16 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located within Nola Rd site frontage	Removal
#18 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to Nola Rd site frontage	Removal
#24 <i>Magnolia soulangeana</i> (Saucer Magnolia) Adjacent to western side boundary	Removal
#26 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western side boundary	Removal
#29 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located on site	Removal
#30 <i>Phoenix canariensis</i> (Canary Island Date Palm) Centrally located on site	Removal
#31 <i>Stump</i> Centrally located on site	Removal
#32 <i>Celtis australis</i> (Nettle Tree) Centrally located on site	Removal
#33 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Centrally located on site adjacent to southwest boundary	Removal
#34 <i>Phoenix canariensis</i> (Canary Island Date Palm)	Removal

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

Adjacent to southern site boundary #35 <i>Celtis australis</i> (Nettle Tree)	Removal
Adjacent to southern site boundary #43 <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
Centrally located on site #44 <i>Jacaranda mimosifolia</i> (jacaranda)	Removal
Centrally located on site #45 <i>Grevillea robusta</i> (Silky Oak)	Removal
Centrally located on site	

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

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

72. Excavation near trees

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

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

#19 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to north-west site corner	10.0m
#40 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to south-west site corner in neighbouring property	8.0m

Reason: To protect existing trees.

73. 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**

#11 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern site corner in neighbouring property	10.0m
#11a <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to northern site corner	4.0m
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to northern site corner	11.0m
#17 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to Nola Rd site frontage	3.0m
#19 <i>Eucalyptus saligna</i> (Sydney Bluegum) Adjacent to north-west site corner	9.0m
#23 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to south-west site boundary	3.0m
#27 <i>Melia azadarach</i> (White Cedar)	3.0m

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

Adjacent to western side boundary	
#36 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	4.0m
Adjacent to southern site boundary	
#37 <i>Pittosporum undulatum</i> (Sweet Pittosporum)	3.0m
Adjacent to southern site boundary	
#38 <i>Pittosporum undulatum</i> (Sweet Pittosporum)	3.0m
Adjacent to southern site boundary	
#39 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	3.0m
Adjacent to southern site corner	
#40 <i>Eucalyptus resinifera</i> (Red Mahogany)	7.0m
Adjacent to south-west site corner in neighbouring property	
#41 <i>Brachychiton acerifolius</i> (Illawarra flame Tree)	3.0m
Adjacent to south-west site corner in neighbouring property	

Reason: To protect existing trees.

74. Thrust boring

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

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

#11 <i>Syncarpia glomulifera</i> (Turpentine)	10.0m
Adjacent to northern site corner in neighbouring property	
#12 <i>Eucalyptus saligna</i> (Sydney Bluegum)	11.0m
Adjacent to northern site corner	
#19 <i>Eucalyptus saligna</i> (Sydney Bluegum)	10.0m
Adjacent to north-west site corner	
#23 <i>Pittosporum undulatum</i> (Sweet Pittosporum)	3.0m
Adjacent to south-west site boundary	
#27 <i>Melia azadarach</i> (White Cedar)	3.0m
Adjacent to western side boundary	
#40 <i>Eucalyptus resinifera</i> (Red Mahogany)	7.0m
Adjacent to south-west site corner in neighbouring property	

Reason: To protect existing trees.

75. 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.

76. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Corona Ave. The tree(s) used shall be a minimum 25 litres container size specimen(s):

Schedule	Quantity	Location
Tree/ species <i>Jacaranda mimosifolia</i> (Jacaranda)	3	Corona Ave nature strip

Reason: To provide appropriate landscaping within the streetscape.

77. Removal of refuse

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

Reason: To protect the environment.

78. Canopy replenishment trees to be planted

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

Reason: To maintain the treed character of the area.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**79. Easement for waste collection**

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

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

80. 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. 2383319M have been complied with.

Reason: Statutory requirement.

81. Completion of landscape works

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

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

82. Vegetation management plan

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all landscape regeneration works required to be undertaken by the vegetation management plan prepared by Keystone Ecological and identified in Condition No. 1 of this consent have been completed. The works required by the vegetation management plan shall be undertaken and all landscape works maintained in accordance with the requirements of the vegetation management plan at all times.

Reason: To mitigate impacts on the Blue Gum Creek riparian zone and to ensure that the landscape works are consistent with the development consent.

83. 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.

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

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai

Water Management Development Control Plan No. 47

- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

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

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

Reason: To protect the environment.

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

Prior to issue of the Final 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.

86. Basement pump-out maintenance

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

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

Reason: To protect the environment.

87. OSD positive covenant/restriction

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

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

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

Reason: To protect the environment.

88. 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.

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

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

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

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

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

90. Reinstatement of redundant crossings and completion of infrastructure works

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

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge 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.

91. 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.

The structural engineer must provide certification that the upgraded bridge and vehicle restraint barrier are adequate to support council's small waste collection vehicle.

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

92. Outdoor lighting

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

Reason: To protect the amenity of surrounding properties.

93. No door restricting internal waste collection in basement

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

Reason: To facilitate access to the garbage collection point.

NSW Department of Water & Energy general terms of approval for works requiring a Controlled Activity Approval under the Water Management Act 2000**94. NSW Department of Water & Energy General Terms of Approval**

These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA145/09 and provided by Council

- (i) Site plan, map and/or surveys
- (ii) Structural design and specifications

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water & Energy must be notified to determine if any variations to these GTA will be required.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

95. NSW Department of Water & Energy General Terms of Approval

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

96. NSW Department of Water & Energy General Terms of Approval

The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Works Schedule
- (iii) Erosion and Sediment Control Plan
- (iv) Stormwater Drainage Plan
- (v) Outlet Structure Plan

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

97. NSW Department of Water & Energy General Terms of Approval

All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. Plans must be prepared in accordance with Department of Water & Energy guidelines located at

www.naturalresources.nsw.gov.au/water/controlled_activity.shtml.

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) In-stream works
- (iv) Outlet structures
- (v) Watercourse crossing plans

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

98. NSW Department of Water & Energy General Terms of Approval

The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Rehabilitation and maintenance

99. NSW Department of Water & Energy General Terms of Approval

- 6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

100. NSW Department of Water & Energy General Terms of Approval

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Reporting requirements

101. NSW Department of Water & Energy General Terms of Approval

The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & Energy as required.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Security deposits**102. NSW Department of Water & Energy General Terms of Approval**

The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the Department of Water & Energy as and when required.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Accessways**103. NSW Department of Water & Energy General Terms of Approval**

The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

104. NSW Department of Water & Energy General Terms of Approval

The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Bridge, causeway, culverts, and crossing**105. NSW Department of Water & Energy General Terms of Approval**

The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Culvert**106. NSW Department of Water & Energy General Terms of Approval**

The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are

left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Disposal

107. NSW Department of Water & Energy General Terms of Approval

The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

108. NSW Department of Water & Energy General Terms of Approval

The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Drainage and Stormwater

109. NSW Department of Water & Energy General Terms of Approval

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Erosion control

110. NSW Department of Water & Energy General Terms of Approval

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

111. NSW Department of Water & Energy General Terms of Approval

The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

Excavation**112. NSW Department of Water & Energy General Terms of Approval**

The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

River bed and bank protection**113. NSW Department of Water & Energy General Terms of Approval**

The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 10 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

114. NSW Department of Water & Energy General Terms of Approval

The consent holder must establish a riparian corridor along the Unnamed Tributary of Blue Gum Creek in accordance with a plan approved by the Department of Water & Energy.

Reason: To ensure the development is in accordance with the General Terms of Approval issued by the NSW Department of Water & Energy.

CARRIED UNANIMOUSLY

The Meeting closed at 5.59pm

The Minutes of the Ku-ring-gai Planning Panel held on 29 July 2009 (Pages 1 - 46) were confirmed as a full and accurate record of proceedings on 26 August 2009.

Chairperson