

MINUTES OF THE SYDNEY WEST REGION JOINT REGIONAL PLANNING PANEL MEETING HELD AT KU-RING-GAI MUNICIPAL COUNCIL ON THURSDAY, 22 SEPTEMBER 2011 AT 9:00 AM

PANEL PRESENT:

Lindsay Fletcher
Jason Perica
Bruce Clarke
Andrew Watson
Elise Keays

Chair
Alternate Panel Member
Alternate Panel Member
Alternate Panel Member
Alternate Panel Member

COUNCIL STAFF IN ATTENDANCE

Michael Miocic
Corrie Swanepoel
Kimberley Munn
Shaun Garland

Director Development & Regulation
Manager Development Assessment Services
Executive Assessment Officer
Team Leader

1. The meeting commenced at 9.00am.

2. Apologies

None

3. Declarations of Interest

None

4. Business Items

2009SYW007 - Ku-ring-gai Municipal Council DA 0410/09 – Demolition of four existing dwellings and construction of two residential flat buildings comprising 62 units including basement car parking, front fence and landscaping, 27-33 Boundary St, Roseville

5. Public Submissions

Stephen Abolakian (applicant) addressed the Panel for the recommendation

6. Business Item Recommendation

2009SYW007 - Ku-ring-gai Municipal Council DA 0410/09 – Demolition of four existing dwellings and construction of two residential flat buildings comprising 62 units including basement car parking, front fence and landscaping, 27-33 Boundary St, Roseville

Moved Jason Perica, seconded Andrew Watson

A. That the Sydney West Joint Regional Planning Panel receive and note letters received from the Roads & Traffic Authority dated 25 July 2011 and 18 August 2011.

- B. That the Sydney West Joint Regional Planning Panel, as the consent authority, is of the opinion that the proposal includes works of a permanent character on land reserved for the purpose of widening of existing county roads and in accordance with Clause 13(2) of the KPSO, the JRPP, as the responsible authority is of the opinion that the purpose for which the land is reserved cannot be carried into effect within a reasonable time after the appointed day, 1 October 1971, having regard to the Roads & Traffic Authority advice and circumstances of the case.
- C. That the Sydney West Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 251(6) Site Coverage of the KPSO is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case, for the reasons outlined in the report to the Panel meeting of 22 September 2011.

AND

- D. That the Sydney West Joint Regional Planning Panel, as the consent authority, being satisfied that the objection under SEPP1 is well founded and also being of the opinion that the granting of consent to DA0410/09 is consistent with the aims of the Policy, grant development consent to DA0410/09 for the demolition of four existing dwellings and construction of 2 residential flat buildings comprising 62 units including basement car parking, front fence and landscaping at 27 – 33 Boundary Street, Roseville for a period of five (5) years from the date of the Notice of Determination, subject to the conditions proposed in the Council Recommendation, amended as follows (full Conditions of Consent attached as Appendix A):

Condition 69 – Hours of Work – delete as it is a duplication of Condition 58 and renumber the conditions accordingly.

Condition 54 – Development contributions - modify the condition to reads as follows:

54. Development contributions (Town and Local Centres)

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

| Key Community Infrastructure | Amount |
|--|-----------------------|
| Local parks and Local sporting facilities | \$599,914.55 |
| Local recreation and cultural facilities; | \$99,215.38 |
| Local social facilities | |
| Local roads, Local bus facilities & Local Drainage facilities (new roads and road modifications) | \$50,180.91 |
| Local roads, Local bus facilities & Local Drainage facilities (townscape, transport & pedestrian facilities) | \$579,521.17 |
| Total: | \$1,328,832.01 |

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are subject to indexation and may vary at the time of payment in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact council directly to verify the current contributions due and payable.

Copies of Ku-ring-gai Contributions Plan 2010 may be viewed online at www.kmc.nsw.gov.au and at the Council Chambers in Gordon.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

MOTION CARRIED

Meeting closed at 9.10 am

Endorsed by

A handwritten signature in black ink, appearing to read 'L. Fletcher'.

Lindsay Fletcher
Acting Chair, Sydney West JRPP
29 September 2011

APPENDIX A: CONDITIONS OF CONSENT:**Conditions that identify approved plans:****1. Approved architectural plans and documentation (new development)**

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

| Plan no. | Drawn by | Dated |
|--|-------------------------------|--------------|
| DA01 – Site Calculations Revision 3 | Amglen P/LVan Aratoon | 11/11/2009 |
| DA02 – Basement Level 2 | Amglen P/LVan Aratoon | 26/06/2009 |
| DA03 Revision 2 – Basement Level 1 | Amglen P/LVan Aratoon | 12/01/2010 |
| DA04 Revision 4 – Ground Floor | Amglen P/LVan Aratoon | 23/12/2009 |
| DA05 – First Floor DA06 – Second Floor DA07 –Third Floor DA08 – Fourth Floor All Revision 2 | Amglen P/LVan Aratoon | 23/12/2009 |
| DA09 Revised – Roof Plan | Amglen P/LVan Aratoon | 14/09/2009 |
| DA10 Long Section | Amglen P/LVan Aratoon | 26/06/2009 |
| DA11 – Elevations North & South DA12 – Elevations East & West DA13 – Elevations E & W internal All Revision 1 | Amglen P/LVan Aratoon | 11/11/2009 |
| DA14 - Fence Details | Amglen P/LVan Aratoon | 26/06/2009 |
| DA18 – Car Park Entry Long Section | Amglen P/LVan Aratoon | 26/06/2009 |
| Landscape Plan 50.09/085'C' | iScape Landscape Architecture | 12-11-2009 |
| Landscape Plan 50.09/086'C' TWO/TWO | iScape Landscape Architecture | 12-11-2009 |
| HDA01 Revision P2 | George Floth Pty Ltd | 22.06.2009 |
| HDA02 Revision P1 | George Floth Pty Ltd | 15.06.2009 |
| HDA03 Revision P1 | George Floth Pty Ltd | 15.06.2009 |
| HDA04 Revision P1 | George Floth Pty Ltd | 15.06.2009 |
| HDA05 Revision P4 | George Floth Pty Ltd | 08.02.2011 |
| HDA06 Revision P2 | George Floth Pty Ltd | 22.06.2009 |
| HDA07 Revision P1 | George Floth Pty Ltd | 15.06.2009 |
| HDA08 Revision P2 | George Floth Pty Ltd | 13.10.2009 |

| Document(s) | Dated |
|---|--------------|
| Landscape Specification prepared by iScape Landscape Architecture | June 2009 |
| Statement of Heritage Impact prepared by NBRS+ Partners | March 2009 |
| Tree Report prepared by Treescan | June 2009 |
| Traffic and Parking Impact Assessment Project No. 9006 prepared by Ray Dowsett Traffic and Transport Planning Pty | 17 June 2009 |

| | |
|---|------------------|
| Ltd | |
| Acoustic Report - Report 4104 prepared by RSA Acoustics | April 2009 |
| Access Report prepared by Accessibility Solutions Pty Ltd | 16 November 2009 |
| Flood Report prepared by WaterPlan Pty Ltd Ref – R-rbou-90524 | 24 May 2009 |
| Geotechnical Report prepared by Geochique Ref: 12077/1-AA | 30 July 2009 |
| Demolition and Waste Management Plan prepared by applicant | 16/06/2009 |
| Crime Risk Assessment prepared by Metroplan | March 2011 |

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 |
| 50.09/085'C' | iScape | 12/11/2009 |

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. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. 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 Boundary Street and Spearman Street over the site frontage, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

8. Archival recording of buildings

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

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

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be

held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

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

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

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

- 25 Boundary Street
- 23-31 Victoria Street

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 and installation of piezometers as recommended in the report by Geotechnique. 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.

Evidence must be submitted that the plan has already been endorsed by RTA, with any conditions imposed by RTA 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.

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.

For pedestrian and motorist amenity, no construction vehicle movements are to take place in Spearman Street or Victoria Street during school drop-off (8.00am to 9.30am) and pick-up hours (2.30pm to 4.00pm).

The CTMP is also to detail the means of protecting Tree 8, with endorsement by the project arborist.

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

No work zones will be permitted along Boundary Street. Provision is to be made to accommodate all construction vehicles on site in accordance with sketch 1 Construction Management Plan Concept A prepared by Amglen P/L and received by Council 20 January 2010.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase and to ensure the development meets the RTA conditional approval.

13. 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.

14. 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.

15. 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 |
|--|------------------|
| #8 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to southern site boundary | 3.0m |
| #14-19 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 3.0m |
| #20 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northern site boundary | 3.0m |
| #21 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 3.0m |
| #33 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to northern site boundary in neighbouring property | 5.0m |
| #45 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to north-east site corner in neighbouring property | 7.0m |

Reason: To protect existing trees during the construction phase.

16. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

17. 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.

18. 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.

19. 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.

20. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

21. Noise and vibration management plan

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent

- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

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

22. CCTV report of existing Council pipe system near works

Prior to the commencement of any works on site, qualified practitioners must undertake a closed circuit television inspection and then report on the existing condition of the Council drainage pipeline traversing the subject property. The report must be provided to Council's, Development Engineer and is to include a copy of the video footage of the pipeline. A written acknowledgment from Council's Development Engineer (attesting to this condition being appropriately satisfied) shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To protect Council's infrastructure.

23. Support for Council roads, footpaths, drainage reserves

Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

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

25. Consolidation of lots

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

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

26. Temporary Vehicular Access from Boundary Street

The construction of the temporary vehicular access from Boundary Street for demolition/construction vehicles will be subject to the following matters being addressed:

- a) satisfactory arrangements being made with Forest Coach Lines and/or the NSW Transport & Infrastructure agency for the relocation of the existing bus zone fronting the development (along Boundary Street)
- b) Evidence of satisfactory arrangements as mentioned above being presented to the Council and RTA prior to the issue of a construction certificate.

The design and construction of the temporary gutter crossings off Boundary Street for demolition/construction vehicles shall be in accordance with AS2890.2 – 2002 and the RTA's requirements. Further details of these requirements could be obtained from the RTA's Project Service Manager, Traffic Projects Section, Parramatta Ph: 8849 2144.

A Certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate by Council and before commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.

Reason: To ensure the development meets the RTA conditional requirements.

27. Privacy to 21 Victoria Street

The planter box shown on drawing DA08 Revision 1 is to be extended along the northern elevation to the western end of the terrace. The planter box is also to extend in a southern direction along the western elevation for a length of 8.4 metres. The planter boxes shall have a height of 600mm above the finished floor level of the terrace and incorporate planting of a species that is capable of reaching a height of 1.8 metres at maturity.

All balustrading to Level 4 shall be 75% obscure to prevent downward looking. Plans and specifications shall be provided prior to the issue of a construction certificate.

Reason: To maintain privacy to the neighbouring property.

29. Amendments to approved landscape plan

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

as other conditions of this consent:

| Plan no. | Drawn by | Dated |
|----------------|----------|------------|
| #50.09/086 'C' | iScape | 12/11/2009 |

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

- The proposed grassed/lawn area adjacent to the northeast site corner is to be deleted and the area planted out with screening shrubs and groundcovers. An additional endemic canopy tree capable of attaining a minimum height of 13.0m is to be planted centrally.
- Tree 40 *Cyathea cooperii* (Coinspot Tree Fern) is to be shown to be removed.
- An additional native endemic tree species capable of attaining a minimum height of 13.0m is to be planted centrally within the proposed lawn area adjacent to the northern site boundary between the two buildings, to improve neighbour amenity.
- Pathways, no greater than 1 metre in width are to be provided to all ground floor apartments to provide separate entrance to the units in accordance with the RDFC.
- Stone salvaged from the demolished buildings is required to be carefully stored on site and reused in the landscaping works. Details should be provided in an amended landscape plan.
- The ground floor apartments within the development are to be provided with separate entrances through the private open space.

Landscape Plans 50.09/085 and 50.09/086 both Issue C are to be amended to provide external access to all ground floor apartments through the courtyards by the addition of stepping stones or pathways less than a 1 metre in width. The access is to be provided directly to common open space areas.

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. 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.

30. 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.

31. 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.

32. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

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

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

33. Outdoor lighting

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

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

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

34. Air drying facilities

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

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

Reason: Amenity & energy efficiency.

35. External service pipes and the like prohibited

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this

condition must be shown on construction certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed upon development consent plans.

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

36. 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 from the public domain and all car parking areas on site to all tenancies within the building 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.

37. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, [B5, B12, B19, B26, A12, A19, A26], 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.

38. Stormwater management plan

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

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

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

Reason: To protect the environment.

39. 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.

40. Recycling and waste management

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

The responsibility for:

- the cleaning of waste rooms and waste service compartments; and
- the transfer of bins within the property, and to the collection point once the development is in use;

shall be determined when designing the system and clearly stated in the Waste Management Plan.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection.

41. Noise from road and rail (residential only)

Prior to the issue of the Construction Certificate, the Certifying Authority shall submit evidence to Council demonstrating that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

Reason: To minimise the impact of noise from the adjoining road or rail corridor on the occupants of the development.

42. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm –6.00 am) when measured at the

boundary of the site.

C1. Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

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

43. 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.

44. 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.

45. Driveway grades – basement carpark

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.

46. 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.

47. Car parking allocation

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

| | |
|---------------------|----|
| Resident car spaces | 69 |
| Visitor spaces | 16 |
| Total spaces | 85 |

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.

48. Number of bicycle spaces

The basement car park shall be adapted to provide 13 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

49. 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.

50. 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.

51. Underground services

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

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

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

52. 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.

53. Post development stormwater discharge

The post development stormwater discharge from the site into the RTA drainage system is not to exceed the pre development discharge. Detailed plans and hydraulic calculations of any changes to the RTA stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
PO Box 973
Parramatta CBD NSW 2124

A plan checking fee may be payable and a performance bond may be required before the

RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Phone: 8849 2114 or Fax: 8849 2766.

Reason: To comply with the RTA requirements.

54. Development contributions (Town and Local Centres)

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

| Key Community Infrastructure | Amount |
|--|-----------------------|
| Local parks and Local sporting facilities | \$599,914.55 |
| Local recreation and cultural facilities; | \$99,215.38 |
| Local social facilities | |
| Local roads, Local bus facilities & Local Drainage facilities (new roads and road modifications) | \$50,180.91 |
| Local roads, Local bus facilities & Local Drainage facilities (townscape, transport & pedestrian facilities) | \$579,521.17 |
| Total: | \$1,328,832.01 |

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are subject to indexation and may vary at the time of payment in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact council directly to verify the current contributions due and payable.

Copies of Ku-ring-gai Contributions Plan 2010 may be viewed online at www.kmc.nsw.gov.au and at the Council Chambers in Gordon.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

56. 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 \$1 000.00 tree protection bond with Council. This bond is to provide security that the following tree is maintained in a healthy condition as found prior to commencement of work upon the site:

| Schedule | Bond value |
|--|-------------------|
| Tree/Location | |
| <i>Pistacia chinensis</i> (Chinese Pistacio) | \$1 000.00 |
| Spearman st nature strip | |

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.

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

57. 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.

58. Demolition, excavation and construction work hours

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

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

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

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

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

59. Survey of ground floor formwork

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, a registered surveyor is to:

- ascertain the reduced level of the underside of the slab at the driveway entry,
- certify that the level is not lower than the level shown on the approved DA plans; and
- certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area.

Reason: So that access will be available for Council's contractors to collect waste from the collection point.

60. Inspection of formwork by Council

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Development Engineer and Manager Waste Services are to carry out an inspection of the site to confirm the clearance available for the full path of travel of the small waste collection vehicle from the street to the collection area. This inspection cannot be carried out by a private certifier because waste management is not a matter listed in Clause (1) of Section 161 of the Environmental Planning and Assessment Regulation 2000.

Reason: So that access will be available for Council's contractors to collect waste from the collection point.

61. On site retention of waste dockets

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

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

Reason: To protect the environment.

62. Truck Warning Signs

Truck warning signs (W5 - 22A) must be displayed in Boundary Street on each approach to the site for the duration of the project and removed at the end of the completion of works.

Reason: To ensure the development meets the RTA conditional requirements.

63. Temporary Vehicle Access

The temporary vehicle access from Boundary Street for demolition and construction vehicles must be limited in times of use as follows:

- a) Not to be used during week day AM peak – 7am – 10 am
- b) Not to be used during week day PM peak – 3pm – 7pm

Reason: To ensure the development does not adversely impact upon traffic flows during peak periods on Boundary Street.

64. Traffic Controller

An accredited traffic controller shall be provided to facilitate the movement of construction vehicles to and from Boundary Street.

Reason: To ensure adequate measures are taken to not interrupt traffic on Boundary Street.

65. Works permit on Boundary Street

No work zones will be permitted along Boundary Street. Works should be undertaken on site in accordance with the construction management plan concept A prepared by Amglen Pty Ltd and received by Council on 20th January 2010.

Reason: To comply with the RTA requirements.

66. 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.

67. 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.

68. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work

plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

69. 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.

70. 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.

71. 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.

72. Post-construction dilapidation report

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

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

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

Reason: Management of records.

73. 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.

74. 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 Kuring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

75. 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.

76. 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.

77. 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.

78. Protection of public places

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

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

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

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

Reason: To protect public places.

79. Certification of footings & excavation adjacent to easements

During demolition and construction, the Principal Certifying Authority shall be satisfied that:

- footings, and any required permanent excavation or drainage easement support, are constructed in accordance with the conditions of this consent relating to footings and excavation adjacent to drainage easements and/or drainage pipes
- footings allow for complete future excavation over the full width of the easement to a depth of the invert of the pipe, without the need to support or underpin the subject structure

Reason: Safety.

80. Recycling of building material (specific)

During demolition and construction, the Principal Certifying Authority shall be satisfied that, in addition to building materials generally suitable for recycling, that stone salvaged from the demolished buildings should be carefully stored on site and reused in landscaping works on site,

Reason: To facilitate recycling of materials and the reuse of materials on site.

81. 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.

82. 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.

83. 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.

84. 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.

85. 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.

86. 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.

87. 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.

88. Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench and means to retain the easement and associated pipe cover are to be provided at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

Reason: To ensure structural stability.

89. Structures to be clear of drainage easements

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works
- take full measures to protect the in-ground Council drainage system
- ensure dedicated overland flow paths are satisfactorily maintained through the site

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

Reason: To protect existing Council infrastructure and maintain over land flow paths.

90. 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.

91. Drainage to street

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

Reason: To protect the environment.

92. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

93. Arborist’s report

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

Schedule

Tree/Location

#8 *Phoenix canaraiensis* (Canary Island Date Palm)
Adjacent to southern site boundary

#14-19 *Syzigium paniculatum* (Magenta Cherry)
Adjacent to northern site boundary

#20 *Phoenix canariensis* (Canary Island Date Palm)
Adjacent to northern site boundary

Time of inspection

* Immediately prior to the commencement of work on site.

* Immediately after demolition works and prior to excavation and regrading of the site.

* At the completion of excavation/regarding of the site.

#21 *Syzigium paniculatum* (Magenta Cherry)

Adjacent to northern site boundary

* At four monthly intervals during construction/development works.

#41 *Pistacia chinensis* (Chinese Pistacio)

Spearman St nature strip

* At the completion of all works on site.

Reason: To ensure protection of existing trees.

94. 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.

95. Trees on nature strip

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

Schedule

Tree/Location

Callistemon viminalis (Weeping Bottlebrush) x 2

Spearman St nature strip

Reason: To ensure protection of existing trees.

96. Treatment of tree roots

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

Reason: To protect existing trees.

97. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees:

Schedule

Tree/Location

Radius from trunk

| | |
|---|------|
| #8 <i>Phoenix canaraiensis</i> (Canary Island Date Palm) | 3.0m |
| Adjacent to southern site boundary | |
| #14-19 <i>Syzigium paniculatum</i> (Magenta Cherry) | 2.5m |
| Adjacent to northern site boundary | |
| #20 <i>Phoenix canariensis</i> (Canary Island Date Palm) | 2.0m |
| Adjacent to northern site boundary | |
| #21 <i>Syzigium paniculatum</i> (Magenta Cherry) | 2.5m |
| Adjacent to northern site boundary | |
| | |
| #33 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) | 5.0m |
| Adjacent to northern site boundary in neighbouring property | |
| #41 <i>Pistacia chinensis</i> (Chinese Pistacio) | 7.0m |
| Spearman St nature strip | |
| #45 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) | 6.0m |
| Adjacent to north-east site corner in neighbouring property | |

Reason: To protect existing trees.

98. 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>Cinnamomum camphora</i> (Camphor laurel) | Removal |
| Adjacent to south-west site corner | |
| #2 <i>Pittosporum undulatum</i> (Native Daphne) | Removal |
| Adjacent to southwest site corner | |
| #3 <i>Ligustrum lucidum</i> (Large leaf privet) | Removal |
| Adjacent to southern site boundary | |
| #4 <i>Cinnamomum camphora</i> (Camphor laurel) | Removal |
| Adjacent to southern site boundary | |
| #5 <i>Cinnamomum camphora</i> (Camphor laurel) | Removal |
| Adjacent to southwest site corner | |
| #6 <i>Ligustrum lucidum</i> (Large leaf privet) | Removal |
| Adjacent to western site boundary | |
| #7 <i>Cinnamomum camphora</i> (Camphor laurel) | Removal |
| Within building footprint | |
| #9 <i>Lagerstroemia indica</i> (Crepe Myrtle) | Removal |
| Adjacent to southern site boundary | |
| #10 <i>Cinnamomum camphora</i> (Camphor laurel) | Removal |
| Within building footprint | |
| #11 <i>Jacaranda mimosifolia</i> (Jacaranda) | Removal |
| Within building footprint | |
| #12 <i>Ginkgo biloba</i> (Maidenhair Tree) | Removal |
| Centrally located on site | |
| #13 <i>Jacaranda mimosifolia</i> (Jacaranda) | Removal |
| Adjacent to northern site boundary | |
| #22 <i>Pittosporum undulatum</i> (Native Daphne) | Removal |
| Adjacent to southern site boundary | |
| #23 <i>Ligustrum lucidum</i> (Large leaf privet) | Removal |

**Schedule
Tree/Location**

**Approved tree
works**

| | |
|--|---------|
| Adjacent to southern site boundary #24 <i>Pittosporum undulatum</i> (Native Daphne) | Removal |
| Adjacent to southern site boundary #25 <i>Melia azadarach</i> (White Cedar) | Removal |
| Adjacent to southern site boundary #26 <i>Jacaranda mimosifolia</i> (Jacaranda) | Removal |
| Adjacent to southern site boundary #27 <i>Jacaranda mimosifolia</i> (Jacaranda) | Removal |
| Centrally located on site #28 <i>Melia azadarach</i> (White Cedar) | Removal |
| Centrally located on site #29 <i>Jacaranda mimosifolia</i> (Jacaranda) | Removal |
| Centrally located on site #30 <i>Washingtonia robusta</i> (Mexican Washingtonia) | Removal |
| Centrally located on site #31 <i>Lagerstroemia indica</i> (Crepe Myrtle) | Removal |
| Centrally located on site #32 <i>Pinus radiata</i> (Radiata Pine) | Removal |
| Adjacent to northern site boundary #34 <i>Morus nigra</i> (Mulberry) | Removal |
| Adjacent to southern site boundary #35 <i>Jacaranda mimosifolia</i> (Jacaranda) | Removal |
| Adjacent to southern site boundary #36 <i>Prunus spp</i> (Flowering Cherry) | Removal |
| Adjacent to south-east site corner #37 <i>Pittosporum undulatum</i> (Native Daphne) | Removal |
| Adjacent to southeast site corner #38 <i>Syragus romanzoffianum</i> (Cocos Palm) | Removal |
| Centrally located on site #39 <i>Eucalyptus microcorys</i> (Tallowood) | Removal |
| Centrally located on site #40 <i>Cyathea cooperi</i> (Coinspot Tree Fern) | Removal |
| Adjacent to northern site boundary #42 <i>Callistemon viminalis</i> (Weeping Bottlebrush) | Removal |
| Spearman St nature strip #43 <i>Callistemon viminalis</i> (Weeping Bottlebrush) | Removal |
| Spearman St nature strip | |

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

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

99. 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 |
|--|------------------------------|
| #8 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to southern site boundary | 3.0m |
| #14-19 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 3.0m |
| #20 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northern site boundary | 3.0m |
| #21 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 3.0m |
| #33 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to northern site boundary in neighbouring property | 6.0m |

Reason: To protect existing trees.

100. 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 |
|--|------------------------------|
| #8 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to southern site boundary | 3.0m |
| #14-19 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 2.5m |
| #20 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northern site boundary | 2.0m |
| #21 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 2.5m |
| #33 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to northern site boundary in neighbouring property | 5.0m |
| #41 <i>Pistacia chinensis</i> (Chinese Pistacio) Spearman St nature strip | 7.0m |
| #45 <i>Ficus microcarpa</i> 'Hillii' (Hill's Fig) Adjacent to north-east site corner in neighbouring property | 6.0m |

Reason: To protect existing trees.

101. 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 |
|---|------------------------------|
| #8 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to southern site boundary | 3.0m |

| Schedule Tree/Location | Radius from trunk |
|---|------------------------------|
| #14-19 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 2.5m |
| #20 <i>Phoenix canariensis</i> (Canary Island Date Palm) Adjacent to northern site boundary | 2.0m |
| #21 <i>Syzigium paniculatum</i> (Magenta Cherry) Adjacent to northern site boundary | 2.5m |
| #33 <i>Ficus microcarpa</i> 'Hilli' (Hill's Fig) Adjacent to northern site boundary in neighbouring property | 5.0m |
| #41 <i>Pistacia chinensis</i> (Chinese Pistacio) Spearman St nature strip | 7.0m |
| #45 <i>Ficus microcarpa</i> 'Hilli' (Hill's Fig) Adjacent to north-east site corner in neighbouring property | 6.0m |

Reason: To protect existing trees.

102. 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.

103. 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 (enter street). The tree/s used shall be a minimum 25 litres container size specimen/s:

| Schedule Tree/Species | Quantity | Location |
|--|-----------------|--------------------------|
| <i>Pistacia chinensis</i> (Chinese Pistacio) | 2 | Spearman St nature strip |

Reason: To provide appropriate landscaping within the streetscape.

104. Tree removal on nature strip

Following removal of the *Callistemon viminalis* (Weeping Bottlebrush) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

105. 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.

106. 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:

107. Easement for waste collection

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

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

108. 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.254953M_08 and dated 15 September 2009 have been complied with.

Reason: Statutory requirement.

109. Clotheslines and clothes dryers

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

Reason: To provide access to clothes drying facilities.

110. Mechanical ventilation

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

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable

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

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

Reason: To protect the amenity of surrounding properties.

111. 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.

112. Accessibility

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

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

Reason: Disabled access & services.

113. 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.

114. Creation of a floodway restriction

Prior to issue of the Occupation Certificate, the applicant must create of a restriction-on-use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the Flood Study report by Water Plan Pty Ltd and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment.

115. 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.

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

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

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

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

Reason: To protect the environment.

117. 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.

118. OSD positive covenant/restriction

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

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

DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To protect the environment.

119. CCTV report of pipe after work

Prior to issue of the Occupation Certificate, a closed circuit television inspection and report on the Council drainage pipeline traversing the site is to be undertaken by appropriate contractors and provided to Council's Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect the environment.

120. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

121. Certification of as-constructed driveway/carpark – 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 carpark, 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.

122. 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

Any redundant driveways along the site's Boundary Street frontage are to be removed with kerb and gutter (Type SA) reinstated to the RTA's requirements.

All other 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.

123. Infrastructure repair

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

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

124. 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.

125. Noise control – plant and machinery

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

Reason: To protect the amenity of surrounding residents.

MOTION CARRIED