

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 23 MAY 2006

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)
Councillor A Andrew (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)
Councillors M Lane & A Ryan (Gordon Ward)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Manager Natural Environment (Peter Davies)
Strategic Planner (Craig Wyse)
Urban Design Architect (Ling Lee)
Director Community Services (Janice Bevan)
Acting Director Finance & Business (John Clark)
Senior Governance Officer (Geoff O'Rourke)
Admin Assistant (Keri Blackman)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No interest of declared.

ADDRESS THE COUNCIL

The following members of the public addressed Council on items not on the Agenda:

S Wesley
S Croston

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Mayoral Minute: Mayoral Soccer Matches - Council of Origin Series

Late Item: Goods & Services Tax Compliance Requirements - Report by
Acting Director Finance & Business dated 23 May 2006

CONFIRMATION OF MINUTES**176 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 9 May 2006

Minutes numbered 150 to 175

Resolved:

(Moved: Councillors Cross/Shelley)

- A. That Minutes numbered 150 to 175 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

(Moved: The Mayor, Councillor Malicki/Andrew)

- B. That it be noted that Councillor Hall presented copies of the original petitions & correspondence from Mr Minty in reference to Minute No 154 - Petition on Dangerous "Planter Barrier" - South Turrumurra Shopping Centre Car Park, Kissing Point Road, South Turrumurra.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Andrew, Bennett, Cross, Ebbeck, Lane, Ryan, Shelley
and Anderson*

Against the Resolution: Councillor Hall

MINUTES FROM THE MAYOR**177 Mayoral Soccer Matches - Council of Origin Series**

File: S02646

Last Friday night Ku-ring-gai Council's Soccer Squad were successful in securing a narrow victory in the inaugural soccer games against Hornsby Council, and to mark this result Ku-ring-gai's flag will be flown at Hornsby Council for a week.

These games were in honour of the Centenary of Local Government in both Hornsby and Ku-ring-gai Local Government areas, and were a way that our respective staff members could celebrate this very significant year in our history.

Mayor Berman did not hesitate to accept the challenge to play Ku-ring-gai in soccer, and he also played in the men's team even though soccer is not his sport. The Mayor of Hornsby also publicly recognised the importance of his staff in this Centenary Year

Our Centenary Dinner was a celebration of elected representatives over the past 100 years. Our Festival and Concert will allow our residents to share in the Centenary celebrations, while the Mayor's Centenary Awards recognise those quiet achievers who represent the spirit of volunteers in our community over the decades.

The Council of Origin games were a celebration of those people who work every day for their communities, solving residents' problems and looking after this special part of Sydney where we all live.

The games were played over two evenings and they were memorable for a range of reasons. First I need to recognise the sportsmanship shown by all of the Hornsby players including Mayor Nick Berman both during the games and in congratulating us on our overall victory in the series and sharing our celebrations after the game.

There was certainly rivalry but what was demonstrated above all was a sense of fun and a sense of kinship – we are all Local Government people and we are proud of what we do for our communities.

I especially want to recognise the wonderful effort made by our staff in organising and participating in this event. We had staff from every department of Council in our teams, and I believe that at least 11 countries of origin were represented in our players. We also had Councillor Andrew's daughter, Leonore, play in the women's team and my son, David, in the Men's team to represent the Councillors.

Sigrid Banzer, my PA, and Danny Houseas showed amazing organising and leadership skills in the way they recruited so enthusiastically for the teams and set up the regular training sessions. Sigrid was a superb Captain and co-ordinator of clothing and liaison with Hornsby, and Danny was Manager, Coach and a very fine player. These two showed great Council spirit and loyalty and I want to give them my personal thanks in making this happen. We also need to give a special mention to the coaches of the Women's Team, Brian Davies and Geoff Murtagh who gave up their personal time to make a streamlined fighting machine out of a bunch of enthusiastic amateurs.

There were many on both teams who had never played soccer before, yet in the games themselves it was difficult to tell which were the novices and which were the long time players.

Thanks to Councillors Andrew and Cross and to the Directors who attended both games and to Councillor Ebbeck and General Manager, John McKee who were able to come along on the final night. Also to our dedicated supporters who were there in large numbers at each of the matches.

As always I wish to also recognise the pivotal role played by the Ku-ring-gai and District Soccer Association, in particular President Ian Giblett and General Manager Gary Foster without whose support this series would not have happened. They supplied the playing strip for all of the teams and gave a great deal of other support in recognition of 50 years of soccer in Ku-ring-gai through their Association.

The wager made between the Mayors of both Councils was for the losing Council to fly the flag of the winning Council for one week.

When the Ku-ring-gai council flag flies at Hornsby Council next week it will represent a win for our players in this inaugural year, but it will also symbolise the strong spirit of Local Government in our region, a spirit shared by Hornsby in this our Centenary Year.

I would like to recognise the efforts of the following people and pass on the congratulations of Councillors on a fine effort in representing our Council so successfully.

	<u>Women's Team:</u>	<u>Men's Team:</u>
Coach:	Brian Davies	Danny Houseas
Assistant Coach:	Geoff Murtagh	
Captain:	Sigrid Banzer	Danny Houseas
Goalkeeper:	Jane Howe	Stephen Moore
Goal scorer:	Leonore Carr (3)	Ben Hope (1)
	Carol Harper (3)	Luke Ireland (1)
	Kim English (1)	Josh Daniel
	Teresa Mills (1)	Josh Donohoe
	Courtney Milton (1)	David Hoy
	Sally Allport	Ben Imasuen-Brodrick
	Monique Echentille	Dulip Jayakody
	Christine Foott	James Kim
	Louise Hayward	Harry Konsti
	Mary-Lou Lewis	Michael Lopez
	Carolyn Love	David Malicki
	Robyn McWilliam	Michael Miocic
	Wendy Miller	Matthew Prendergast
	Susie Murtagh	Ashley Rees
	Amanda Waite	Ian Taylor

Resolved:

That the Mayoral Minute be received and noted, and congratulations given to the staff of Ku-ring-gai Council and to Mayor Berman and staff of Hornsby Council.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**178 Open Space Capital Works Program & Environmental Levy Projects
2006/2007**

File: S04387

To recommend to Council the Open Space Capital Works Program in accordance with Council's Draft 2006 – 2010 Management Plan, currently on exhibition, including projects funded by the Environmental Levy.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That the projects as outlined in this report and attachments form the projects for the 2006/2007 Open Space Capital Works and Environmental Levy Programs.
- B. That forward design commence for those projects identified in this report for 2007/2008 programs.
- C. That Council approve the funding for \$120,000 from the Catchment Management Reserve for the 2006/07 programs as identified in this report.

CARRIED UNANIMOUSLY

179 9 to 23 Bruce Avenue, Killara - Relocation of Stormwater Pipeline & Easement

File: DA0983/05

Ward: Gordon

To consider granting approval for the relocation of a Council stormwater pipeline and easement.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council grant approval for the extinguishment of the existing 1.2m wide easement and creation of a new drainage easement 2.1m wide within Lot 6, DP 13657.
- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of new easement and Restriction on Use of Land.
- C. That the cost of altering the terms of said easement for drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.

- D. That Council approve the proposal to relocate and reconstruct the stormwater pipelines in accordance with the stormwater plans and details, drawing 205014, Plan No. HO, H1A, H2A, H3C, H4A, H5A, H6, H7, H8 prepared by the hydraulic consultant, DEMLAKIAN and subject to the following conditions:
1. The applicant carrying out of all drainage works in accordance with the plans and specification approved by Council at no cost to Council.
 2. The works are subjected to inspections. The applicant or their engineer is to give Council at least 24 hours notice (to allow inspection) at the following stages.
 - i) After completion of excavation and prior to pipe laying commencing.
 - ii) After completion of pipe laying prior to backfilling.
 - iii) On completion of pipeline installation.
- E. That prior to construction of the building, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.
- F. That after the building is completed, an inspection of the pipeline by Close Circuit TV or suitable alternative be undertaken to verify the structural integrity of pipeline by the applicant at no cost to Council, prior to issue of Occupation Certificate.

CARRIED UNANIMOUSLY

180

Goods & Services Tax Compliance Requirements

File: S04970

For Council to provide advice to the Department of Local Government in relation to Council's compliance with Goods and Services Taxation legislation.

Resolved:

(Moved: Councillors Lane/Cross)

That the Goods and Services Tax Certificate be signed by the Mayor, Deputy Mayor, General Manager and the Responsible Accounting Officer and forwarded to the Department of Local Government by 1 June 2006.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with items where
there are speakers first which was moved by
Councillors Ebbeck & Andrew
& was CARRIED UNANIMOUSLY*

181 **1 to 5 Mount William Street, Gordon - Demolition of 3 Dwelling Houses & Construction of a Residential Flat Building Comprising 32 Units, Basement Car Parking for 56 Vehicles & Associated Landscaping & Drainage**

File: DA1427/05

Ward: Gordon

Applicant: Futurespace Pty Ltd

Owners: Mr J C & Mrs K A Tutt, Mrs R A Cross, Mrs N D Pavlakis

The following member of the public addressed Council:

R McDonald

To determine development application No.1427/05, which seeks consent for the demolition of 3 dwelling houses and construction of a residential flat building, comprising 32 units and basement car parking for 56 vehicles.

Resolved:

(Moved: Councillors Lane/Ryan)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant development consent to DA 1427/05 for Demolition of 3 dwelling houses and construction of a residential flat building comprising 32 units, basement car parking for 56 vehicles and associated landscaping and drainage on land at 1-5 Mount William Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development must be carried out in accordance with plans identified in the following schedule and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No	Rev.	Description	Author	Dated	Lodged
DA 01	A	Level 1 Car Park Plan	Futurespace	13-12-2005	19-12-2005
DA 02	A	Level 2 Floor Plan	Futurespace	13-12-2005	19-12-2005
DA 03	C	Level 3 Floor Plan	Futurespace	31-3-2006	31-3-2006
DA 04	C	Level 4 Floor Plan	Futurespace	31-3-2006	31-3-2006
DA 05	B	Level 5 Floor Plan	Futurespace	31-3-2006	31-3-2006
DA 06	B	Level 6 Floor Plan	Futurespace	31-3-2006	31-3-2006
DA 07	B	Level 7 Floor Plan	Futurespace	31-3-2006	31-3-2006
DA 08	A	Level 8 Floor Plan	Futurespace	13-12-2005	19-12-2005
DA 09	A	Roof Plan	Futurespace	13-12-2005	19-12-2005
DA 10	A	East & West Elevations	Futurespace	13-12-2005	19-12-2005

DA 10	A	North & South Elevations	Futurespace	13-12-2005	19-12-2005
DA 10	A	Sections	Futurespace	13-12-2005	19-12-2005
71.06 (05)/ 174	B	Landscape Plan	Ian Jackson Landscape	31-3-2006	31-3-2006

2. To ensure an acceptable level of privacy is maintained between units within the development, fixed privacy screens shall be installed in the following locations:

Unit No.	Location	Minimum Screen length
Unit 18	Northern edge of terrace	3.5m
Unit 21	Northern edge of balcony	2.0m
Unit 22	Northern edge of balcony	2.0m
Unit 25	Northern edge of balcony	2.0m
Unit 26	Northern edge of balcony	2.0m
Unit 29	Northern edge of balcony	2.0m
Unit 30	Northern edge of balcony	2.0m

The required privacy screens shall have a minimum height of 1.6 metres above finished floor level, shall be constructed of complementary materials to match the external fabric of the building and shall not allow greater than 50% visual transparency. The required privacy screens shall have a minimum length as express above and shall be installed to the satisfaction of the Principle Certifying Authority prior to the issue of the Occupation Certificate.

3. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
4. 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. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
5. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.

7. 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 the Council (upon payment of the required fee) beforehand.
8. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
9. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
10. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
11. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
12. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
13. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
14. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
15. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

16. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
17. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
18. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
19. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

20. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
21. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the 25. Certificate.
22. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

23. 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. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
24. The fence and footings shall be constructed entirely within the boundaries of the property.
25. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
26. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.

27. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
28. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
29. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
31. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
32. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
33. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.

34. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
35. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
36. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
37. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
38. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
39. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
40. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
41. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
42. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

43. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. 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 Council Water Management Development Control Plan 47 (DCP47).
44. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development 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 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
45. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
46. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
47. 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 completed 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 written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
48. 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 at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of

this application involving any influence upon utility services provided by another authority.

49. 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 and plant 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.**
50. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities 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.
51. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
52. 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-developer" 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.
53. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement car park preventing this service.
54. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

1. Appropriate excavation methods and techniques,
2. Vibration management and monitoring,
3. Support and retention of excavated faces,
4. Hydrogeological considerations.

Must be undertaken in accordance with the recommendations of the Preliminary Geotechnical Investigation prepared by Jeffery and Katauskas, the detailed geotechnical investigation carried out prior to commencement of bulk excavation and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

- 55. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the preliminary report by Jeffery and Katauskas and the detailed investigation report submitted prior to commencement of bulk excavation. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:**
- A. Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - B. Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - C. **Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.**
56. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
57. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
58. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
59. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
60. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
61. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.

62. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
63. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
64. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
65. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
66. External paved access for vehicles and pedestrians being provided with material which will provide some contrast to the finish of the pavement to the satisfaction of the Principal Certifying Authority.
67. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
#4 Unidentified tree spp Adjacent to southern site corner	Removal
#6 <i>Elaeocarpus reticulatus</i> (Blueberry Ash) Adjacent to western site boundary	Removal
#7 <i>Grevillea robusta</i> (Silky Oak) Adjacent to western site boundary	Removal
#9 <i>Melia azaderach</i> (White Cedar) Within proposed building footprint	Removal
#10 <i>Lagerstroemia indica</i> (Crepe Myrtle) Within proposed building footprint	Removal
#11 <i>Elaeocarpus reticulatus</i> (Blueberry Ash) Within proposed building footprint	Removal
#12 <i>Magnolia soulangeana</i> (Soul's Magnolia) Within proposed building footprint	Removal
#15 <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Adjacent to northern site boundary	Removal
#20 <i>Plumeria rubra</i> (Frangipani)	Removal

Within front setback

#21 *Thuja occidentalis* (White Cedar) Removal

Within front setback

#24 *Tibouchina spp* (Tibouchina) Removal

Within front setback

#27 *Leptospermum petersonii* (Lemon scented tea tree) Removal

Adjacent to eastern site boundary

#29-35 *Cuppressus torulosa* (Bhutan Cypress) Removal

Adjacent to south-east site corner

#36-37 *Cuppressus sempervirens* (Italian Cypress) Removal

Within front setback

#38-39 *Stenocarpus sinuatus* (Q'ld Firewheel Tree) Removal

Within Mt William St nature strip

#40-42 *Callistemon viminalis* (Bottlebrush) Removal

Within Mt William St nature strip

68. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, 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.

Tree/location

All existing trees located on site being retained

Time of inspection

Prior to demolition
At the completion of demolition
Prior to excavation works
At the completion of excavation works
Prior to the start of construction works
At monthly intervals during construction
At the completion of construction works
At the completion of all works on site

69. Landscape works shall be carried out in accordance with Landscape Drawing No 71.06(05)/174'B' prepared by Ian Jackson and dated 31/03/06 submitted with the Development Application, except as amended by the following:
- The proposed planting of six CG *Corymbia gummifera* (Red Bloodwood) adjacent to the northeast site frontage is to be replaced with six *Syncarpia glomulifera* (Turpentine) of the same pot size at planting.

- A tall native endemic canopy tree species is to be planted adjacent to the northwest site corner. The tree species is to be consistent with the Sydney Bluegum High Forest plant community.
 - Screen planting adjacent to the southeast side site boundary is to be increased with species that can attain minimum heights of 5.0-8.0m adjacent to the proposed building.
 - Tree #5 *Stenocarpus sinuatus* (Q'ld Firewheel Tree) is to be shown to be retained. Existing ground levels and grades are to be retained within a 3.0m radius of the tree.
70. REMOVAL of the existing 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.
71. 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 the Horticulture Certificate or Tree Surgery Certificate
72. 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 site works during the construction period.

Tree/Location	Radius From Trunk
#1 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner on adjoining property	6.0m
#2 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner on adjoining property	5.0m
#3 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-west site corner	4.0m
#5 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree) Adjacent to western site boundary	3.0m
#8 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to western site boundary	4.0m
#14 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
#16 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Adjacent to northern site boundary	2.0m
#17 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to northern site boundary	3.0m
#18 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
#19 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m
#22 <i>Cupaniopsis anacardioides</i> (Tuckeroo)	4.0m

Adjacent to western site boundary

#23 *Stenocarpus sinuatus* (Q'ld Firewheel Tree) 3.0m

Adjacent to western site boundary

#25 *Camellia sasanqua* (Chinese Camellia) 3.0m

Centrally located in front setback

#26 *Camellia sasanqua* (Chinese Camellia) 3.0m

Centrally located in front setback

#28 *Tristaniaopsis laurina* (Water Gum) 2.0m

Adjacent to eastern site boundary

73. No mechanical excavation for the approved residential flat building 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:

Tree/Location	Radius From Trunk
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#3 <i>Eucalyptus paniculata</i> (Grey Ironbark)	6.0m
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Adjacent to south-west site corner

#5 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree)	4.0m
--	------

Adjacent to western site boundary

#19 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
--	------

Adjacent to northern site boundary

74. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
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#1 <i>Lophostemon confertus</i> (Brushbox)	6.0m
--	------

Adjacent to south-west site corner on adjoining property

#2 <i>Lophostemon confertus</i> (Brushbox)	5.0m
--	------

Adjacent to south-west site corner on adjoining property

#3 <i>Eucalyptus paniculata</i> (Grey Ironbark)	4.0m
---	------

Adjacent to south-west site corner

#5 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree)	3.0m
--	------

Adjacent to western site boundary

#8 <i>Magnolia grandiflora</i> (Bull Bay Magnolia)	4.0m
--	------

Adjacent to western site boundary

#14 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
--	------

Adjacent to northern site boundary

#16 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm)	2.0m
---	------

Adjacent to northern site boundary

#17 <i>Pittosporum undulatum</i> (Sweet Pittosporum)	3.0m
--	------

Adjacent to northern site boundary

#18 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
--	------

Adjacent to northern site boundary

#19 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m
#22 <i>Cupaniopsis anacardioides</i> (Tuckeroo) Adjacent to western site boundary	4.0m
#23 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree) Adjacent to western site boundary	3.0m
#25 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located in front setback	3.0m
#26 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located in front setback	3.0m
#28 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to eastern site boundary	2.0m

75. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using 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

Tree/Location	Radius From Trunk
#1 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner on adjoining property	6.0m
#2 <i>Lophostemon confertus</i> (Brushbox) Adjacent to south-west site corner on adjoining property	5.0m
#3 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-west site corner	4.0m
#8 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to western site boundary	4.0m
#14 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
#18 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
#19 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m

76. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
77. Following removal of the existing trees from Council's nature strip in front of the site, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
78. 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.

79. The 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.

RailCorp Conditions

80. The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Railcorp's representative.
81. The applicant shall request service searches from RailCorp, to establish the existence and location of any RailCorp services and structures. Where RailCorp Services are identified the Applicant must discuss and agree with RailCorp how these services are to be accommodated in the development
82. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of detailed dilapidation reports maybe required as a result.
83. An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with RailCorp Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.
84. The Applicant is to procure a report on the Electrolysis Risk to the development from stray currents and the measures that will be taken to control the risk. The Applicant is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.
85. The Applicant shall provide a Geotechnical Engineering report to RailCorp for review by RailCorp's Geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation and demolition and excavation-induced vibration in rail facilities and loadings imposed on RailCorp Facilities by the development.
86. A Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment prior to the works commencing on site. It should be noted that RailCorp's representative may impose conditions on the methods to be used

and require the provision of on-site Safe Working supervision for certain aspects of the works.

87. Should, according to Railcorp's Representative, any unforeseen risks to rail infrastructure become apparent (eg falling material) the Applicant/Contractor will be required to submit information relating to the attenuation of that risk for approval by Railcorp's Representative.
88. The use of any crane, plant or machinery shall comply with the RIC Electrical Safety Manual and all relevant RIC Standards and Guidelines. Construction equipment such as scaffolding shall not impinge over the rail corridor.
89. No metal ladders, tapes, scaffolding and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor. No metal ladders are to be used within the rail corridor.
90. No excavation or boring is permitted within 2.0 metres (measured horizontally) of high voltage underground cable and 1.0 metre (measured horizontally) for low voltage cables.
91. No plant or vehicle is permitted to encroach the ballast shoulder or track without prior arrangements being made to certify the track for the effects of disturbance.
92. No infrastructure or equipment is to be placed or installed on the rail corridor without proper assessment by authorised persons to ensure no impact will occur to rail infrastructure. eg signal sighting, safety signage, emergency access.
93. As large-scale excavation is involved, the Applicant is required to put in place a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this is to be submitted to RailCorp for review prior to the commencement of works.
94. Details of any proposed piling, sheet piling, batter and anchors should be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.
95. The developer is required to submit to RailCorp a plan showing all craneage and other aerial operations for the development.
96. The existing common boundary fence is considered adequate and must remain intact throughout the construction works and thereafter. Should enhancements be desired RailCorp must be contacted to ensure adequate safety measures are taken whilst work is carried out.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

97. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.
- Note: Required if cost of works exceed \$25,000.00.
98. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal 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 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work 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).
99. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
100. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
101. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF TWNTY NINE (29) ADDITIONAL DWELLINGS IS CURRENTLY \$645,316.71. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Gordon	\$8,223.35
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

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

103. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully 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" or as specified by Council. 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. Failure to submit this information may delay processing.

Approval of this Development Application is for works wholly within the property. DA 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 and Council may require immediate removal of unauthorised installations.

104. The Applicant must submit carry out the following infrastructure works in the Public Road:
- a. Regrade the nature strip to allow vehicular access which complies with AS2890.1:2004 and provides sight distance for vehicles entering Mount William Street. The footpath is to be adjusted as far south as the Protection Zone for Tree 27. Steps are not to be introduced in the footpath. Trees 40 and 41 will be removed in conjunction with this work.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

NOTE 1: A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate.

NOTE 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

105. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. 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 in full with Australian Standard 2890.1 - 2004 "Off-street car parking".
- A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

106. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater - Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the

above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

107. 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.
 - Full 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. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
 - Details of the required **on-site detention** tanks required under Ku-ring-gai Council 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).
 - Details of the water quality devices required under Chapter 8 of DCP 47.
 - The required basement stormwater pump-out system 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 Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the concept stormwater management plans by AFCE Environment + Building submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

108. 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 reflected 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.

109. 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 approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.
110. A CASH BOND/BANK GUARANTEE of \$10 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

111. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged.

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.

Tree/Location	Bond Value
#3 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-west site corner	\$2,000.00
#8 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to western site boundary	\$1,000.00
#14 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	\$1,000.00

#18 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	\$1,000.00
#19 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	\$1,000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

112. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
113. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
114. For stormwater control and to preserve and enhance the natural and built environment, a Sediment and Erosion Control Plan relating to all areas of the site to be disturbed or affected by earthworks or construction works shall be submitted and approved with the application for a Construction Certificate. The Control Plan shall include all details of measures and methods of sediment and erosion control to be adopted, implemented and methods of sediment and erosion control to be adopted, implemented and maintained during the course of development of the site. The Control Plan shall incorporate and disclose:
 - a. All details of drainage to protect and drain the site during the construction processes;
 - b. All sediment control devices, barriers and the like;
 - c. Sedimentation tanks, ponds or the like;
 - d. Covering materials and methods;
 - e. A schedule and program of the sequence of the sediment and erosion control works or devices to be installed and maintained.
115. In order to ensure the development does not detract from the appearance of adjoining buildings and surrounding areas, a schedule of colours and finishes for all external works shall be submitted to the Principal Certifying Authority and approved in writing prior to the release of the Construction Certificate. All external materials, finishes and colours shall be sympathetic to the surrounding natural and built environment. All external surfaces shall be finished to the final satisfaction of the Principal Certifying Authority.
116. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
117. Following demolition, but prior to the commencement of bulk excavation, a detailed geotechnical investigation with cored boreholes is to be carried out as

recommended in the preliminary report 19884VBrpt by Jeffery and Katauskas. Matters to be addressed in the report include excavation methods, excavation support, dilapidation survey, groundwater and vibrations. The report is to be submitted to the Principal Certifying Authority (PCA), or Council if no PCA has been appointed, for approval.

118. Prior to the commencement of **any excavation works** on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the residence at 7 Mount William Street, and buildings within Council's depot if recommended in the detailed geotechnical report. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
119. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
- **A plan view of the entire site and frontage roadways indicating:**
 - A. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - B. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - C. The locations of proposed Work Zones in the frontage roadways,
 - D. Location of any proposed crane standing areas:
 - 1. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - 2. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - 3. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
 - **Traffic Control Plan(s) for the site**
 - a) All traffic control devices installed in the road reserve must be in accordance with the RTA publication "Traffic Control Worksite Manual" and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- b) Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
- **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**
 - Light traffic roads and those subject to a load or height limit must be avoided at all times.
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

120. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a

copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

121. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:

1. Full road pavement width, including kerb and gutter of Mount William Street over the site frontage, including the full intersection.
2. 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 via photo and in written format) *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 under the requirements of this condition prior to the commencement of works.

122. 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.
123. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s 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.

Tree/Location	Radius in Metres
#8 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Adjacent to western site boundary	4.0m
#14 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m
#16 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Adjacent to northern site boundary	2.0m
#17 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to northern site boundary	3.0m
#18 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	5.0m

#19 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to northern site boundary	3.0m
#22 <i>Cupaniopsis anacardioides</i> (Tuckeroo) Adjacent to western site boundary	4.0m
#23 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree) Adjacent to western site boundary	3.0m
#25 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located in front setback	3.0m
#26 <i>Camellia sasanqua</i> (Chinese Camellia) Centrally located in front setback	3.0m
#28 <i>Tristaniaopsis laurina</i> (Water Gum) Adjacent to eastern site boundary	2.0m

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

Tree/Location	Radius From Trunk
#3 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-west site corner	6.0m
#5 <i>Stenocarpus sinuatus</i> (Q'ld Firewheel Tree) Adjacent to western site boundary	4.0m

125. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
126. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
 4. Name, address, and telephone number of the developer/principal certifying authority.
127. Prior to works commencing 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. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

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

Tree/Location

#3 *Eucalyptus paniculata* (Grey Ironbark)

Adjacent to south-west site corner

#14 *Jacaranda mimosifolia* (Jacaranda)

Adjacent to northern site boundary

#16 *Archontophoenix cunninghamiana* (Bangalow Palm)

Adjacent to northern site boundary

#17 *Pittosporum undulatum* (Sweet Pittosporum)

Adjacent to northern site boundary

#18 *Jacaranda mimosifolia* (Jacaranda)

Adjacent to northern site boundary

#19 *Jacaranda mimosifolia* (Jacaranda)

Adjacent to northern site boundary

129. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

130. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
131. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge

- and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

132. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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.
133. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
134. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- A copy of any works-as-executed drawings required under this consent
- The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

135. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
136. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
- That the as-constructed car park complies with the approved Construction Certificate plans,
 - That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
 - That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - That the vehicular headroom requirements of:
 - a) Australian Standard 2890.1 - “Off-street car parking”,
 - b) 2.44m 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.
137. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.

- That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- That retained water is connected and available for uses including all toilet flushing, laundry, garden irrigation and car washing.
- That 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 Council Water Management DCP 47.
- That all grates potentially accessible by children are secured.
- That 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 BCA, and
- 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 following certification sheets **must be accurately completed and attached** to the certification:

- a) Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - b) On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
138. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- a) As built (reduced) surface and invert levels for all drainage pits.
 - b) Gradients of drainage lines, materials and dimensions.
 - c) As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - d) 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.
 - e) The achieved storage volumes of the installed retention and detention storages and derivative calculations.
 - f) As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
 - g) The size of the orifice or control fitted to any on-site detention system.
 - h) Dimensions of the discharge control pit and access grates.
 - i) The maximum depth of storage possible over the outlet control.
 - j) 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 WAE 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.

139. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
140. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
- a) According the relevant Australian Standards and guidelines, and
 - b) According to any approved Geotechnical report undertaken for the development, and
 - c) In a manner that ensures that the structural amenity of adjoining structures and property **is fully maintained**.
141. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the preliminary report by Jeffery and Katauskas and in the detailed report submitted prior to commencement of bulk excavation and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
142. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at 7 Mount William Street (and Council's depot if assessed). If a structure has been demolished in the meantime under a separate consent, then no follow-up report is required.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

143. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and 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 indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

144. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
145. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
146. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent.

CARRIED UNANIMOUSLY

182

Lindfield Centre Recommended Draft Land Use Plan

File: S04350

The following members of the public addressed Council:

C Chan	A Heven
N Sahota	L Hunt
B Williams	C Young
E Wu	W Butt
J Lin	L Hudson
S O'Donnell	W Bowd
D Roberts	G Glenny
H Oliver	

For Council to consider consultation and planning outcomes for the Lindfield Centre including endorsement of the recommended land use plan, to prepare a Draft Local Environmental Plan and Draft Development Control Plan to rezone certain lands in and around the Lindfield Centre to set more detailed planning and development controls for the area.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That Council adopt in principle the preferred Lindfield Land Use Plan as outlined in this report and in Attachment H, as amended, to guide future development of retail, residential, community and commercial activity within the Lindfield Centre.
- B. That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the

Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.

- C. That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Attachment J, with the following amendments:
 - (i) The area bounded by Pacific Highway, Bent Street, Bent Lane and Balfour Street (within D precinct) & the northern section of Precinct H be amended to a B2 Local Centre zoning.
 - (ii) Northern section of precinct H be amended to a B2 Local Centre zone.
 - (iii) The area bounded by Tyron lane, Lindfield Ave, Russell Avenue & Russell Lane be zoned R3 Medium Density Residential.
- E. That Council prepare a Draft Development Control Plan for the Lindfield Centre in accordance with the existing Draft Town Centres DCP including any amendments required by the gazetted Standard LEP.
- F. That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition
- G. That the report consider reclassification of community land within the Lindfield centre.

**Items numbered A to G
CARRIED UNANIMOUSLY**

- H. That the following be prepared for the Lindfield Centre:
 - i. A public domain concept plan.
 - ii. An action plan for traffic and parking management including specific proposals for the intersections at Pacific Highway & Havilah Street & Pacific Highway & Strickland Avenue.
 - iii. Proposals for community facilities.
 - iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett and Hall*

- I. That the development of a Section 94 Development Contributions strategy be commenced.

- J. That creation of new roads and pedestrian linkages generally as indicated on the map in Attachment H, as amended, be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.
- K. That final controls and rezoning of land within the Lindfield Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.

**Items numbered I to K
CARRIED UNANIMOUSLY**

- L. That opportunities for community facilities as per Council's adopted Community Plan be specifically allowed for in Precincts F, H and K in the areas zoned B2.

CARRIED UNANIMOUSLY

Part L of the Resolution was subject to an Amendment which was LOST. The LOST AMENDMENT was:

(Moved: Councillors Bennett/Malicki)

- L. i. *That opportunities for community facilities as per Council's adopted Community Plan be specifically allowed for in Precincts F, H and K in the areas zoned B2.*
- ii. *That Precinct H (the library site) be investigated for its open space potential as well as community facilities.*

(Moved: Councillors Bennett/Malicki)

- M. That Precinct A to be zoned R2.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Hall, Shelley & Anderson

Against the Resolution: Councillors Andrew, Cross, Ebbeck, Lane & Ryan

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

*The above Resolution was carried as an Amendment to the Original Motion.
The Original Motion was:*

That Precinct A in the area proposed as R4 be zoned R3.

- O. That in Precinct B, 8 and 10 Wolseley Road be zoned R3 (these sites were recommended for "no change" by the consultant in the interface study).

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Shelley & Anderson*

Against the Resolution: *Councillors Lane & Ryan*

- P. That Wolseley Rd remain as a cul de sac with pedestrian-only access to Pacific Highway.

CARRIED UNANIMOUSLY

- R. (ii) That in regard to the Council car park located in Tryon Road and coloured green on the land use strategy map that specific consideration be given to ensure that underground car park opportunities are realised in concert with development of 12 Tryon Road (“the pink building”) and the Minister’s targeted site in Lindfield Ave.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Ryan, Shelley and Anderson*

Against the Resolution: *Councillor Lane*

- (iii) That in regard to the Council car park site in Tryon Road that sufficient at-grade parking is provided for “express” use of the shops and for people with disabilities.

CARRIED UNANIMOUSLY

- (iv) That in regard to the Council car park site in Tryon Road that any underground car parking allow for adaptive reuse of the area as a green space (as indicated on the land use strategy map) and that such green space have the capacity to support appropriate landscaping including trees on the site.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Ryan, Shelley & Anderson*

Against the Resolution: *Councillor Lane*

- S. That the sites proposed to be zoned R3 in Precinct H be up-zoned to B2.

For the Resolution: *Councillors Andrew, Bennett, Cross, Ebbeck, Lane, Ryan, Shelley & Anderson*

Against the Resolution: The Mayor, Councillor E Malicki & Councillor Hall

- U. That any development to the Spanish Mission heritage-listed shops bounded by Lindfield Ave, the Minister's site in Lindfield Ave, Council's car park and Tryon Rd contained in Precinct K and proposed to be zoned B2 be sympathetic to the heritage value of the shops and not adversely impact on the appearance, views, façade or fabric of the existing buildings on all four sides.

CARRIED UNANIMOUSLY

- V. That in regard to these Spanish Mission heritage-listed shops in Precinct K that Council provide for incentives for sympathetic adaptive-reuse by way of reduced parking requirements or other appropriate measures to ensure that the buildings' heritage values are protected and enhanced.

That funding options to aid in the restoration of the heritage shops particularly at the rear be investigated.

CARRIED UNANIMOUSLY

- W. (a) That the properties east of the proposed road extension of Milray Street in Precinct M be zoned R2.

CARRIED UNANIMOUSLY

- (b) That the properties coloured green on the land use strategy map and proposed for open space at Precinct M and bounded by Russell Lane, Tryon Lane and Nelson Road be zoned as R2.

CARRIED UNANIMOUSLY

- X. (a) That only areas on the land use strategy map nominated as pedestrian access-ways or roads be those listed below:
- i. the extension of the lane adjacent to Tryon Place and following boundary of the railway line.
 - ii. the extension of Tryon Place.
 - iii. that marked in Precinct C.
 - iv. Bent Lane as marked in Precinct D.
 - v. that marked in Precinct G.
 - vi. that marked in Precinct J.
 - vii. that marked in Precinct K.
 - viii. that marked in Precinct L.
 - ix. that marked in Precinct M.
- (b) That the provision of such access ways not result in any reduction in development yields for the subject sites that such provisions may otherwise entail.

CARRIED UNANIMOUSLY

(Moved: Councillors Bennett/Malicki)

Y. That the Nelson Road properties be removed from the land use map.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Ebbeck & Anderson

Against the Resolution: Councillors Andrew, Hall, Lane, Ryan & Shelley

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

The following parts of the Original Motion when put to the vote were LOST

N. *That any road or lane provided in Precinct A shown on the land use strategy map in the area proposed to be zoned R4 be a cul de sac with access from Treatts Rd only and with pedestrian-only access to Wolseley Rd.*

Part N of the Motion when put to the vote was LOST.

Q. *That in Precinct B the sites proposed to be zoned B5 be up-zoned to B2.*

Part Q of the Motion when put to the vote was LOST.

R. (i) *That to compensate for reduced densities at Precinct A, B and M that sites zoned B2 in Precincts H and K, which are both subject of the Minister's direction under s55, allow for development to seven storeys in line with the benchmark established for Lindfield by the zoning given by the Minister to the Lindfield Ave site, where such development includes community facilities and/or affordable housing.*

Part R(i) of the Motion when put to the vote was LOST.

T. *That any sites currently zoned 2 (d)3 in LEP 194 in Lindfield that are proposed to be rezoned R4, and that are shaded green on the land use strategy map, not be adversely impacted by any reduction in development yield that any proposed open space may otherwise entail.*

Part T of the Motion when put to the vote was LOST

**Council adjourned for a short interval at 10.15pm
after a Motion moved by Councillors Ryan & Ebbeck was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 10.30pm**

Those present were:

The Mayor, Councillor Malicki
Councillor Andrew
Councillor Bennett
Councillor Hall

Councillor Cross
Councillor Ebbeck
Councillor Shelley
Councillor Anderson
Councillor Lane

183 **Roseville Centre Recommended Draft Land Use Plan**

File: S04365

The following members of the public addressed the Council:

S Ricketts
P Hunt
T Cox
W Wheatley
D Nicol
M Franklin
F Walker
H Badger
S Ryan
N Holliday
A Dennis
S Crane
S Bradshaw
D McGonigal
M Hill

Councillor Ryan returned during address to Council

**At 11.50pm a Motion moved by Councillors Bennett & Shelley
to extend the meeting until business completed
was put to the vote**

*For the Extension: The Mayor, Councillor E Malicki, Councillors
Andrew, Bennett, Cross, Ebbeck, Hall, Lane, Shelley
& Anderson*

Against the Extension: Councillor Ryan

For Council to consider consultation and planning outcomes for the Roseville Centre including endorsement of the recommended land use plan, to prepare a Draft Local Environmental Plan and Draft Development Control Plan to rezone certain lands in and around the Roseville Centre to set more detailed planning and development controls for the area.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That Council adopt in principle the preferred Roseville Land Use Plan as outlined in this report and in Attachment G, as amended, to guide future development of retail, residential, community and commercial activity within the Roseville Centre.
- B. That Council commence preparation of a Draft Local Environmental Plan to rezone land consistent with Council's preferred option and notify the Department of Planning of its resolution under Section 54 of the Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare a Local Environmental Plan as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the Draft Local Environmental Plan propose rezoning of lands in accordance with the map contained in Attachment I, with the following amendments.
 - i. Delete the proposed R3 medium density residential zone in Precinct E (the area bounded by Larkin Street, MacLaurin Parade, Kings Avenue (part) Pockley Ave, and the Rifleway, Roseville).
 - ii. Northern section of precinct G currently proposed to be rezoned as B 2 Local centre and be further investigated to accommodate residential development.
 - iii. Number 4 Lord Street, Roseville and 7 Roseville Avenue, Roseville be zoned as B2 Local Centre.
- E. That Council prepare a Draft Development Control Plan for the Roseville Centre in accordance with the existing Draft Town Centres DCP including any amendments required by the gazetted Standard LEP.
- F. That Council formally consider the Draft Local Environmental Plan and Draft Development Control Plan prior to them being placed on public exhibition.
- G. That the report consider reclassification of community land within the Roseville Centre.

**Items numbered A to G
CARRIED UNANIMOUSLY**

- H. That the following be prepared for the Roseville Centre:
 - i. A public domain concept plan.
 - ii. An action plan for traffic and parking management including but not limited to specific recommendations for improvements to the intersections with Pacific Highway and MacLaurin Parade, Shirley Road, Clanville Road and Pacific Highway and Hill Street and Boundary Street".
 - iii. Proposals for community facilities.

- iv. Other proposals for a schedule of works for inclusion in a Draft Section 94 Plan.

CARRIED UNANIMOUSLY

(Moved: Councillors Bennett/Shelley)

- H. v. That the present art centre be retained in Roseville.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Shelley & Anderson

Against the Resolution: Councillors Andrew, Ebbeck, Hall, Lane & Ryan

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

Part H (v.) was carried as an Amendment to the Original Motion as an additional part.

CARRIED UNANIMOUSLY

(Moved: Councillors Bennett/Cross)

- H. vi. That Council investigate ways of financing the conversion of the Lord Street Car Park to a park together with some at-grade car parking & undergrounding of at least the balance of the spaces.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Shelley & Anderson

Against the Resolution: Councillors Ebbeck, Hall, Lane & Ryan

Part H (vi.) was carried as an Amendment to the Original Motion as an additional part.

- I. That the development of a Section 94 Development Contributions strategy be commenced.
- J. That creation of new roads and pedestrian linkages generally as indicated on the map in Attachment G, as amended, be further considered by Council prior to inclusion in the Draft Local Environmental Plan and Draft Development Control Plan.
- K. That final controls and rezoning of land within the Roseville Centre as outlined in this report is subject to economic feasibility assessment by a suitably qualified consultant and further consideration and investigation and review as outlined within this report.

**Items numbered I to K
CARRIED UNANIMOUSLY**

- L. That the property of the Uniting Church of Roseville located at 7 Lord St (“the cottage”) be included in Precinct J with B2 zoning, with the remainder of church land being zoned SP2.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillor Bennett*

- N. That The Sydney Society of the New Church in Australia properties located at 2B and 4 Shirley Road, adjacent to Precinct C, and currently zoned for church use be zoned SP2.

CARRIED UNANIMOUSLY

- O. That in Precinct I sites 3, 5, and 7 Roseville Ave and 4 Lord Street retain medium-density zoning at R3.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Bennett, Cross, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillor Andrew*

- P. (a) That the land coloured green on the land use strategy map and located adjacent to The Rifleway, Pockley Avenue, MacLaurin Parade and Kings Ave be zoned for single residential dwellings.

CARRIED UNANIMOUSLY

- P. (b) That the land coloured green on the land use strategy map and adjacent to The Rifleway, Pockley Avenue, MacLaurin Parade and Kings Avenue have site controls developed under the comprehensive DCP to assist in the rehabilitation of the riparian zone as detailed in the Nola Road precinct controls in DCP 55.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Shelley & Anderson*

Against the Resolution: *Councillors Lane & Ryan*

- Q. That only areas on the land use strategy map nominated as pedestrian access-ways or roads be those listed as below:

- i. The lane proposed adjacent to the railway line in Precinct A.
- ii. The roads as proposed in Precinct A.
- iii. The proposed realignment of Clanville Avenue including a new overhead bridge adjacent to Precinct A.
- iv. The proposed access ways and roads in Precinct C.
- v. The proposed access ways and roads in Precinct D.
- vi. The proposed improvements in public areas in Precinct G in the B2 zone; and
- vii. The proposed access ways and lanes in Precinct G.

CARRIED UNANIMOUSLY

The following Part M of the Motion when put to the vote was LOST.

M. That the properties of the St Andrew's Anglican Church of Roseville church, the rector's house and the church hall and on the corner of Hill St and Bancroft Street (opposite the B2 zoning in Bancroft and with R3 zoning on the Hill St boundary) be zoned R4, similar to that zoning given to St Alban's Anglican Church in Lindfield.

184

Turramurra Centre - Revised Draft Development Control Plan Diagrams

File: S04021

Councillors Ebbeck, Andrew & Hall presented 2 Rescission Motions in relation to the Turramurra Centre.

*The following item was dealt with after a Motion moved by
Councillors Ebbeck & Andrews to have the matter dealt with at the
meeting was CARRIED UNANIMOUSLY & the
Chairperson ruled urgency*

For Council to note the revised plans for the Turramurra Draft Development Control Plan (DCP) Precincts B and E and revised Draft Local Environmental Plan (LEP) maps resulting from Council's Resolution of 27 March 2006.

Resolved:

(Moved: Councillors Ebbeck/Andrew)

- A. i. We, the undersigned, move that Part R of Council's resolution on Turramurra Town Centre, 27 March 2006 be and is hereby rescinded.

CARRIED UNANIMOUSLY

(Moved: Councillors Ebbeck/Andrew)

- A. ii. We further move Part R of the resolution be replaced by the following:
"Remove the 5 storey building (on the Council car park) facing Turramurra Avenue, identify the land as open space and include in the

design, at-grade car parking for approximately 28-30 spaces and landscaped/green open space areas.”

CARRIED UNANIMOUSLY

(Moved: Councillors Ebbeck/Andrew)

- B. i. We, the undersigned, move that Part B of the resolution from the Rescission Motion regarding Planning for Turramurra Centre dated 27 March 2006 be rescinded.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Lane, Shelley & Anderson*

Against the Resolution: *Councillor Ryan*

(Moved: Councillors Ebbeck/Andrew)

- B. ii. We further move that the existing access from the Pacific Highway to William Street and Forbes Lane be maintained and that properties at 1293 to 1301 Pacific Highway, previously identified to facilitate a new road access to the Pacific Highway and Kissing Point Road, be assigned uses, FSR, heights and built upon areas consistent with those applying to the properties at 1305 to 1333 Pacific Highway under the Draft LEP.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Lane, Shelley and Anderson*

Against the Resolution: *Councillor Ryan*

185

154 to 158 Mona Vale Road, St Ives - Lot Consolidation, Demolition of Existing Structures & Erection of a Seniors Living SEPP 2004 Development

File: DA1338/05

Ward: St Ives

Applicant: Wintergroup Architects Pty Ltd

Owners: Mrs J M Blazey, R F & J L Derham & Pymble Golf Club

To determine development application No.1338/05 which seeks consent for the consolidation of 3 lots, the demolition of existing structures and the construction of a Seniors Living development.

Councillor Bennett withdrew during discussion

Resolved:

(Moved: Councillors Hall/Bennett)

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

That the Council, as the consent authority, grant development consent to DA 1338/05 for the consolidation of the three existing lots, the demolition of existing structures and the construction of a SEPP (Seniors Living) 2004 development comprising 12 units on land at 154-158 Mona Vale Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 1338/05 and Development Application plans:

Dwg No:	Rev.	Description	Author	Dated	Received
20511 DA00	B	Site Analysis Plan	Winter Group	29-11-05	1-12-05
20511 DA01	B	Basement Floor Plan	Winter Group	17-11-05	1-12-05
20511 DA02	B	Ground Floor Plan	Winter Group	17-11-05	1-12-05
20511 DA03	B	First Floor Plan & Roof Plan	Winter Group	29-11-05	1-12-05
20511 DA04	C	Sections and Elevations	Winter Group	21-11-05	1-12-05
20511 DA05	B	Elevations	Winter Group	21-11-05	1-12-05
20511 DA07	A	Waste Management Plan	Winter Group	21-11-05	1-12-05
P927 SW-01	B	Stormwater Concept Master Plan	MYD Engineers	22-11-05	1-12-05
P927 SW-02	B	Stormwater Concept Plan Part A	MYD Engineers	22-11-05	1-12-05
P927 SW-03	B	Stormwater Concept Plan Part B	MYD Engineers	22-11-05	1-12-05
05156 DA2/2	A	Landscape Plan	Vision Dynamics	18-11-05	1-12-05

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The completed development shall comply in all respects with the BASIX certificate commitments given on certificate No. 41810, issued 30 November 2005, or as amended and re-issued for the same development. Each building shall be finished in accordance with the BASIX certificate to the satisfaction of the Principle Certifying Authority.
5. The approved building works shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. 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 the Council (upon payment of the required fee) beforehand.
7. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or

stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.

8. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
9. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
10. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
11. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
13. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
14. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
15. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
17. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

18. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

19. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
20. The fence and footings shall be constructed entirely within the boundaries of the property.
21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
24. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

29. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
30. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
31. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
32. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
33. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
34. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
35. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
36. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
37. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefitting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
38. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. 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.

39. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development 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 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
40. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided in front of the garage door and connected to the main stormwater drainage system. The channel drain shall have outlet of minimum diameter 150mm to prevent blockage by debris.
41. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the 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 circulation is diverted on to the roadway, 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, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
42. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. 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.
43. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
44. For the purpose of any inspections by 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.
45. 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. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” 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.

46. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
47. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
48. Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
49. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
50. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
51. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
52. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
53. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.

54. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
55. External paved access for vehicles and pedestrians being provided with material which will provide some contrast to the finish of the pavement to the satisfaction of the Principal Certifying Authority.
56. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
57. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:
- | | |
|--|------------|
| No/Tree/Location | Tree Works |
| 149/ <i>Tibouchina granulosa</i> (Purple Glory bush)
Adjacent to the site's Mona Vale Road boundary
and towards its southern corner. | Remove |
| 150/ <i>Nyssa sylvatica</i> (Tupelo)
Adjacent to the site's Mona Vale Road boundary
and towards its southern corner. | Remove |
| 515/ <i>Tibouchina granulosa</i> (Purple Glory bush)
Adjacent to the centre of the site's Mona Vale Road boundary. | Remove |
| 1024/ <i>Cupressus macrocarpa</i> (Monterey Cypress)
Close to the site's Mona Vale Road boundary and near
its eastern corner. | Remove |
| 1107/ <i>Harpephyllum caffrum</i> (Kaffir Plum)
Adjacent to the site's north-eastern boundary and towards
its northern corner. | |
| 1110/ <i>Grevillea robusta</i> (Silky Oak)
Adjacent to the site's northeastern boundary and towards
its northern corner. | |
58. Topsoil for rehabilitation of the site shall be restricted to that derived from the site, and shall be stock-piled prior to any construction activity. Stock-piled topsoil on the site shall be located outside drainage lines and tree canopies, and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
59. 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 the Horticulture Certificate or Tree Surgery Certificate.
60. 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 site works during the construction period:

No/Tree/Location	Radius From Trunk
155/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the southern side of the vehicular entrance.	7m
1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's Mona Vale boundary and near its eastern corner.	6m
1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's northeastern boundary and near its eastern corner.	5m
1113/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) Close to the north-western side of Building C.	5m

61. No mechanical excavation for the approved BASEMENT CARPARK ACCESS RAMP and RETAINING WALL 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:

No/Tree/Location	Radius From Trunk
155/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the southern side of the vehicular entrance.	7m
1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's Mona Vale boundary and near its eastern corner.	6m
1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's north-eastern boundary and near its eastern corner.	5m

62. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using 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:

No/Tree/Location	Radius From Trunk
155/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the southern side of the vehicular entrance.	7m
1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's north-eastern boundary and near its eastern corner.	5m
1113/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) Close to the northwestern side of Building C.	5m

63. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
64. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along MONA VALE ROAD. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Angophora floribunda</i> (Rough barked Apple)	2
<i>Eucalyptus paniculata</i> (Grey Ironbark)	1
<i>Eucalyptus saligna</i> (Sydney Blue Gum)	2
<i>Syncarpia glomulifera</i> (Turpentine)	2

65. 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.
66. 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.
67. All redundant vehicle crossings are to be removed and kerb and guttering to match the existing is to be reinstated.
68. The development is to be designed such that road traffic noise from Mona Vale Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the following internal noise objectives for all habitable rooms under ventilated conditions are to be achieved, complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45dB(A) Leq(15hr) and 40dB(A) Leq(9hr), and
- Sleeping rooms: 35dB(A) Leq(9hr)

69. The rear yard shall be maintained as Communal Open Space for the use of all residents, and not separately enclosed.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

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

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

71. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal 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 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work 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).

72. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
73. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
74. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF NINE (9) ADDITIONAL DWELLINGS IS CURRENTLY \$100,418.94. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - St Ives	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

75. The garbage area located at the basement level is to comply with the 'Design of waste facilities', Appendix D of Council's Development Control Plan No 40. Details being submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
76. 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 approval by the Principal Certifying Authority (PCA). 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 parking slab. The driveway profiles must demonstrate the following:
 - a. That vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. That 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 then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

77. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
 - b) A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - c) 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.
 - d) The dimensions of all parking spaces including lengths and widths comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

78. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
79. 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.
 - Full 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. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council 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).
- Details of the water quality measures required by Chapter 8 of DCP 47.
- Arborist's endorsement of the stormwater drainage design.
- The required basement stormwater pump-out system 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 Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Concept Plans by MYD Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

80. The Applicant must carry out the following infrastructure works in the Public Road:

Upgrade footpaths and kerb ramps between the subject site and St Ives Shopping Village where identified on the detail plan, Mepstead & Associates Drawings 3778, Sheets 1 to 4, to provide access in accordance with Clause 25 of the SEPP Seniors Living.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council *Roads Act 1993* approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

NOTE 1: A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate.

NOTE 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), registered title documents demonstrating that the subject site is benefited by the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system. This information is to include, as a minimum, registered Title documents demonstrating the benefit and burdens, together with the instruments describing the terms of necessary drainage easement (s).
82. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:
 - a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
 - b. The contributing catchment calculations and supporting pipe sizing information,
 - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,

- e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
83. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossing between the property boundary and road alignment must be obtained from Council. The footpath crossing is to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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 alignment levels fixed by Council may affect these. **Approval of this Development Application is for works wholly within the property. DA 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 application documents.**

The design and construction of the layback is to be in accordance with RTA requirements. A detail of this requirement is to be obtained from the Roads and Traffic Authority's Project Services Manager, Traffic Projects Section on (02) 8814 2114. A copy of this detail should be submitted to Council with the driveway levels application.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: 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. Failure to submit this information may delay processing.

84. To preserve Tree 1113 - *Araucaria heterophylla* (Norfolk Island Pine) Building C shall be moved towards the Mona Vale Road boundary or adjusted to ensure that no portion of its structure is located within 3 metres of the tree's trunk and no ground level changes shall occur within 5 metres radius of the tree's trunk. Details of the changes shall be submitted to the Principal Certifying Authority and approved prior to release of the Construction Certificate.
85. To preserve Tree 1041 - *Eucalyptus saligna* (Sydney Blue Gum), the retaining wall at the north-eastern side of Building C shall be located a maximum distance of 1 metre from the building at its narrow point to minimise the extent of excavation into the downslope side of the tree's root zone. Details of the changes shall be submitted to the Principal Certifying Authority and approved prior to release of the Construction Certificate.

86. To preserve Tree 409.1 - *Camellia sasanqua* (Chinese Camellia), the retaining wall shall be located a minimum distance of 1.5 metres from the site's north-western (rear) boundary. Details of the changes shall be submitted to the Principal Certifying Authority and approved prior to release of the Construction Certificate.

87. The property shall support a minimum number of 19 canopy replenishment trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and 15 additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority and approved by prepared by a Landscape Architect or qualified Landscape Designer prior to release of Construction Certificate.

25% of the canopy trees to be planted are to be locally occurring native trees.

88. To preserve the following tree/s, footings of the proposed MONA VALE ROAD BOUNDARY FENCE and SOUTHERN ENTRY GATE shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate:

No/Tree/Location	Radius in Metres
151/ <i>Tilia cordata</i> (Linden) Close to the site's Mona Vale Road boundary and near its southern corner.	3m
155/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the southern side of the vehicular entrance.	7m
1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's Mona Vale boundary and near its eastern corner.	6m
1032/ <i>Nageia falcata</i> (Outeniqua Yellow Wood) Adjacent to the site's Mona Vale boundary and close to its eastern corner.	3m

89. The submitted landscape plan: 05156DA2/2 Rev. A prepared by Vision Dynamics landscape design and dated 18.11.05 is not approved. An amended, detailed plan of the proposed landscape works for the site shall be prepared by a Landscape Architect or qualified Landscape Designer. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- Correct scale.
- All levels shall be consistent with the architectural plans.
- At least 25% of the overall tree and shrub numbers shall be selected from the Blue Gum High Forest species list to meet the biodiversity requirement.
- A minimum number of 15 additional canopy trees shall be included. Generous separation shall be given between canopy replenishment trees and retaining walls and other structures to permit adequate space for their root development.

90. The Construction Certificate shall not be released until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.

The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.

91. A CASH BOND/BANK GUARANTEE of \$ 10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

92. A CASH BOND/BANK GUARANTEE of \$13,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged.

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:

No/Tree/Location	Bond Value
155/ <i>Cedrus deodara</i> (Himalayan Cedar) Close to the southern side of the vehicular entrance.	\$3,000.00
1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's Mona Vale boundary and near its eastern corner.	\$3,000.00
1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to the site's north-eastern boundary and near its eastern corner.	\$3,000.00
1113/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) Close to the north-western side of Building C.	\$4,000.00

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

93. In order to ensure the development does not detract from the appearance of adjoining buildings and surrounding areas, a schedule of colours and finishes for all external works shall be submitted to the Principal Certifying Authority and approved in writing prior to the commencement of work. All external materials, finishes and colours shall be sympathetic to the surrounding natural and built environment. All external surfaces shall be finished to the final satisfaction of the Principal Certifying Authority.
94. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
95. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
96. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
 - a. **Describe the anticipated impact of the construction works on:**
 - a. local traffic routes
 - b. pedestrian circulation adjacent to the building site;
 - c. and on-street parking in the local area; and;
 - b. **Describe the means proposed to:**
 - a. manage construction works to minimise such impacts;
 - b. provide for the standing of vehicles during construction;
 - c. provide for the movement of trucks to and from the site, and deliveries to the site; and
 - c. **Show the locations of:**
 - a. any site sheds and any anticipated use of cranes and concrete pumps;

- b. any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

- 97. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
- 98. Access for construction purposes associated with this building shall NOT be taken or gained through the adjoining public reserve. Should no alternative access exist, then application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval before the commencement of works.
- 99. For stormwater control and to preserve and enhance the natural and built environment, a Sediment and Erosion Control Plan relating to all areas of the site to be disturbed or affected by earthworks or construction works shall be submitted and approved with the application for a Construction Certificate. The Control Plan shall include all details of measures and methods of sediment and erosion control to be adopted, implemented and methods of sediment and erosion control to be adopted, implemented and maintained during the course of development of the site. The Control Plan shall incorporate and disclose:
 - a. All details of drainage to protect and drain the site during the construction processes;
 - b. All sediment control devices, barriers and the like;
 - c. Sedimentation tanks, ponds or the like;
 - d. Covering materials and methods;
 - e. A schedule and program of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- 100. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building 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 for the approval of the Principal Certifying Authority (PCA), before the commencement of the works, and prior to issue of the Construction Certificate. 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.

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

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

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

102. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control/Parking and Delivery Management Plan. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – “Field Guide for Traffic Control at Works on Roads – Part 1” and RTA “Traffic Control at Work Sites (1998)”. The following matters must be addressed:

Heavy vehicle routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.
During demolition an accredited traffic controller is to assist pedestrians across the vehicular entrance to the site.

Parking control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.

RTA concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan.

Stages

- a. The Traffic Control Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

103. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and RTA 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.

104. Prior to the commencement of any works on site, the applicant is to liaise with Council's Open Space Section to arrange for the trimming of vegetation in the Mona Vale Road reserve to improve sight distance for vehicles leaving the site. This work is to be at no cost to Council or the RTA.
105. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s 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.

No/Tree/Location	Radius in Metres
<i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to the site's northeastern boundary between Trees 1107 and 1122.	3m
409/ <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to the centre of the site's North-western (rear) boundary.	3m
1122/ <i>Camellia sasanqua</i> (Chinese Camellia) Adjacent to the site's northern corner.	3m

106. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed MONA VALE ROAD BOUNDARY FENCE, SOUTHERN GATE HOUSE, RETAINING WALLS and BUILDING C shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

No/Tree/Location	Radius From Trunk
151/ <i>Tilia cordata</i> (Linden) Close to the site's Mona Vale Road boundary and near its southern corner.	3m
155/ <i>Cedrus deodara</i> (Himalayan Cedar)	7m

Close to the southern side of the vehicular entrance.

409.1/ <i>Camellia sasanqua</i> (Chinese Camellia)	2m
Adjacent to the centre of the site's north-western (rear) boundary.	
1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum)	6m
Adjacent to the site's Mona Vale boundary and near its eastern corner.	
1032/ <i>Nageia falcata</i> (Outeniqua Yellow Wood)	3m
Adjacent to the site's Mona Vale boundary and close to its eastern corner.	
1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum)	4ms
Adjacent to the site's northeastern boundary and near its eastern corner.	
1113/ <i>Araucaria heterophylla</i> (Norfolk Island Pine)	5m
Close to the northwestern side of Building C.	
1123/ <i>Lagerstroemia indica</i> (Crepe Myrtle)	3m
Adjacent to the site's north-western (rear) boundary and close to its northern corner.	
1127/ <i>Lagerstroemia indica</i> (Crepe Myrtle)	3m
Adjacent to the site's northwestern (rear) boundary and near its northern corner.	
1128/ <i>Grevillea robusta</i> (Silky Oak)	7m
Within Pymble Golf Course and adjacent to the site's north-western (rear) boundary.	

107. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
108. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works
 4. Name, address, and telephone number of the developer.
109. Prior to works commencing 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. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.

110. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

111. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
112. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the Principle Certifying Authority shall ensure that the development complies with the relevant design standards of clauses 52(1), 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 & 71 of State Environmental Planning Policy (Seniors Living) 2004. The purpose of this condition is to ensure that the completed development meets the needs of seniors or people with a disability and that the development complies fully with the requirements of SEPP Seniors Living 2004.
113. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
114. Prior to issue of an Occupation Certificate, the following works must be completed:
- a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council and RTA,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter Type SA to the satisfaction of Council and RTA. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any 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) must

be fully repaired to the satisfaction of Council and RTA. This shall be at no cost to Council or the RTA.

115. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. 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.
116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
 - c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

117. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
118. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and 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 indemnify Council and Council's

contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

119. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
120. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
 - a. The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and
 - b. The as-constructed car park complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 1. the Seniors Living SEPP (as last amended) for accessible parking spaces, and
 2. Australian Standard 2890.1 - "Off-street car parking", and
 3. 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement car park, and
 - d. The gradients of the constructed access driveway from the public street to the basement car park are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
 - e. No doors or gates have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
121. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c) That retained water is connected and available for irrigation.
 - d) That 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 Council Water Management DCP 47.

- e) That all grates potentially accessible by children are secured.
- f) That 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 BCA, and
- g) 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 following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

122. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE 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 WAE 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.

123. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and

prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following shall be submitted to the Principal Certifying Authority (PCA):

- a. Certification from the supervising engineer that the as-constructed works comply with the approved interallotment design documentation, and
 - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
 - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
124. Prior to issue of the occupation certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
125. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate:
- | No/Tree/Location | Time of inspection |
|---|--|
| <i>Camellia sasanqua</i> (Chinese Camellia) | Demolition, earthworks, drainage and landscape works stages. |
| Adjacent to the site's northeastern boundary between Trees 1107 and 1122. | |
| 151/ <i>Tilia cordata</i> (Linden) | Demolition, earthworks, drainage and landscape works stages. |
| Close to the site's Mona Vale Road boundary and near its southern corner. | |
| 155/ <i>Cedrus deodara</i> (Himalayan Cedar) | Demolition, earthworks, drainage and landscape works stages. |
| Close to the southern side of the vehicular entrance. | |
| 409/ <i>Camellia sasanqua</i> (Chinese Camellia) | Demolition, earthworks, drainage and landscape works stages. |
| Adjacent to the centre of the site's north-western (rear) boundary. | |
| 409.1/ <i>Camellia sasanqua</i> (Chinese Camellia) | Demolition, earthworks, drainage and landscape |
| Adjacent to the centre of the site's north-western | |

- | | |
|---|---|
| (rear) boundary. | works stages. |
| 1027/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Adjacent to the site's Mona Vale boundary
and near its eastern corner. | |
| 1032/ <i>Nageia falcata</i> (Outeniqua Yellow Wood) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Adjacent to the site's Mona Vale boundary
and close to its eastern corner. | |
| 1041/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Adjacent to the site's north-eastern boundary
and near its eastern corner. | |
| 1113/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Close to the northwestern side of Building C. | |
| 1122/ <i>Camellia sasanqua</i> (Chinese Camellia) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Adjacent to the site's northern corner. | |
| 1123/ <i>Lagerstroemia indica</i> (Crepe Myrtle) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Adjacent to the site's north-western (rear) boundary
and close to its northern corner. | |
| 1127/ <i>Lagerstroemia indica</i> (Crepe Myrtle) | Demolition,
earthworks,
drainage and landscape
works stages. |
| Adjacent to the site's north-western (rear) boundary
and near its northern corner. | |
126. Noxious and/or environmental weed species shall be removed from the property prior to the issue of the Occupation Certificate. Documentary evidence of the compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate:
- Plant species
- Acer negundo* (Box Elder)
 - Asparagus densiflorus* (Asparagus Fern)
 - Asparagus plumosus* (Climbing Asparagus)
 - Celtis sp.* (Nettle Tree)
 - Chlorophytum comosum* (Spider Plant)
 - Cinnamomum camphora* (Camphor laurel)
 - Conyza sp* (Fleabane)
 - Cotoneaster sp.* (Cotoneaster)
 - Erigeron karvinskianus* (Seaside Daisy)
 - Hedera helix* (English Ivy)
 - Impatiens balsamina* (Impatiens)

Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Senna pendula (Cassia)
Toxicodendron succedaneum (Rhus Tree)
Tradescantia albiflora (Wandering Jew)
Wisteria sp. (Wisteria Vine)

127. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
128. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

CARRIED UNANIMOUSLY

186 **2005 to 2009 Management Plan, 3rd Quarter Review as at 31 March 2006**

File: S03918

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2005 to 2009 Management Plan.

Councillor Bennett returned during discussion

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That the report on the progress of the Key Performance Indicators contained in the 2005 to 2009 Management Plan for the third quarter of the plan, be received and noted.
- B. That the KPI 5 on the Marian St Theatre no longer be reported.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Andrew, Cross, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillor Bennett*

187 **Budget 2005 to 2006 3rd Quarter Review as at end March 2006**

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File: S04708

To present to Council the quarterly financial review for the 3rd quarter ended 31 March 2006

Councillor Bennett withdrew during discussion

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That Council adopt the budget variations contained in this report.
- B. That an internally restricted reserve for Catchment Management be established.
- C. That \$150,000 be transferred to the Catchment Management reserve and \$200,000 transferred to the Golf Course reserve from budget reductions in projects.

CARRIED UNANIMOUSLY

188 **Analysis of Land & Environment Court Costs, 3rd Quarter ending 31 March**

.
File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the Third Quarter ended 31st march 2006, including appeals commenced, costs incurred by Council and outcomes.

Councillor Bennett returned during discussion

Resolved:

(Moved: Councillors Shelley/Cross)

That the analysis of Land & Environment Court costs for the third quarter of the financial year 2005/2006 be received and noted.

CARRIED UNANIMOUSLY

189 **Investment Cash Flow & Loan Liability for April 2006**

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File: S02722

To present to Council the investment allocation and the performance of funds, monthly cash flow and the details of loan liability for April 2006.

Resolved:

(Moved: Councillors Shelley/Ebbeck)

That the summary of investments, daily cash flows and loan liability for April 2006 is received and noted.

CARRIED UNANIMOUSLY

190 **Final Draft Ku-ring-gai Bushland Reserves Plan of Management & Final Draft Biodiversity Strategy**

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File: S04326

To seek Council's approval to adopt both the draft Bushland Plan of Management in accordance with the Local Government Act 1993 and draft Biodiversity Strategy.

Resolved:

(Moved: Councillors Shelley/Ebbeck)

- A. That the draft Ku-ring-gai Bushland Reserves Plan of Management and draft Biodiversity Strategy as amended be adopted by Council.
- B. That reference be made to the actions and priorities identified in the draft Biodiversity Strategy and draft Ku-ring-gai Bushland Reserves Plan of Management documents during preparation of future planning documents as outlined in the report.
- C. That actions listed in the draft Biodiversity Strategy appendices (biodiversity actions and responsibilities) be implemented by Council.
- D. That notification of the adoption of the draft Ku-ring-gai Bushland Reserves Plan of Management be undertaken consistent with the requirements of Section 40(2A) of the Local Government Act 1993.

CARRIED UNANIMOUSLY

191 **Regional Stakeholder Forum on Bus Reform**

File: S02049

The purpose of this report is to advise Council of the regional stakeholder forum invitation from the Ministry of Transport on bus reform strategy on 5 June 2006 at Chatswood

Resolved:

(Moved: Councillor Hall/Malicki)

- A. That any interested Councillors advise the General Manager of their interest in attending the forum and any matters they wish to raise on Council's behalf at the forum.
- B. That the General Manager seek support in the Forum to increase bus service frequencies between the city and St Ives after 6pm Monday to Friday due to increased patronage (Region 12).

CARRIED UNANIMOUSLY

192 **Allocation of Funding for Assets & Prioritisation of Capital Works**

File: S02135

The purpose of this report is to advise Council of the status of its asset management for the various classes of the built assets and adopt the method of prioritising funding for upgrading or improving its assets.

Resolved:

(Moved: Councillors Bennett/Shelley)

That the report be noted and referred to a future meeting of the Finance Committee in order that further work can be undertaken to develop criteria for allocation of funds between asset classes. Such criteria to include an assessment of timeframes to bring individual asset classes to a satisfactory standard.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN193 **Aquatic Feasibility Study - Refer Minute OMC169 of 9 May 2006**

File: S04066

Notice of Rescission from Councillors T Hall, M Lane & A Ryan dated 9 May 2006.

We, the undersigned, move that Clause "B" of the Resolution made under General Business Item No 8 be rescinded, namely:

"B. That the sites to be considered for further consideration include the Culworth Avenue Car Park site."

Resolved:

(Moved: Councillors Hall/Lane)

That the above Notice of Rescission as printed be adopted.

For the Resolution: Councillors Andrew, Ebbeck, Hall, Lane, Ryan & Anderson

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Bennett, Cross & Shelley

Councillor Cross departed

QUESTIONS WITHOUT NOTICE194 **Echo Point Park - Maintenance of BBQs**

File: S02951

Question Without Notice from Councillor M Shelley

Would the Director Open Space organise for the new BBQs in Echo Point Park in the Rotary shelter to be fixed so that both hot plates are working?

Answer by Director Open Space & Planning

We will refer that to the suppliers, it's still under the warranty.

195 **Film Festival - Appreciation to Youth Services Officers & Ku-ring-gai Youth Council**

File: S04321

Question Without Notice from Councillor M Shelley

Would the Director Community Services please pass on my congratulations to the Youth Services Officers and the Ku-ring-gai Youth Council on the successful film festival held recently? Feedback from respected Director Sher Guhl, who was a judge, said the films were of a high standard and she valued her participation highly and asked that this be passed on to the organisers.

Answer by the General Manager

The Director will.

196 **Rezoning ST IVES CBD**

File: S04019

Question Without Notice from Councillor T Hall

I have been provided with a copy of the Eden Brae Neighbourhood Association letter dated 19 May 2006 relating to proposed rezoning of Eden Brae and 15 to 17 Stanley Street, St Ives.

I ask, would the reply be issued to these residents as soon as possible with copies to the Ward Councillors, please?

Answer by the Mayor

Yes, that will be done.

197 **Revaluation of Assets - St Ives Rugby Club**

File: S02285

Question Without Notice from Councillor T Hall

Directors of St Ives Rugby Club Inc have expressed concern that notwithstanding their Club and St Ives Junior Cricket Club have spent over \$350,000 recently on the Clubhouse at Hassell Park, St Ives, requiring as per their licence with Council (Clause 23) an insurance cover of \$1.25 million.

However, the Council has advised the Club that this asset has been assessed for replacement at less than \$300,000 and such valuations are over four years old.

Would the General Manager ensure that this and other Council assets are re-valued to reflect their current values, please?

Answer by the General Manager

The Councillor is talking about the book value, at the moment. We will re-value it if that is possible. We will talk to the Auditors to that effect. My understanding is that you can only re-value a class of asset not a individual asset on its own but we will check that.

The Meeting closed at 1.07am

The Minutes of the Ordinary Meeting of Council held on 23 May 2006 (Pages 1 - 88) were confirmed as a full and accurate record of proceedings on 13 June 2006.

General Manager

Mayor / Chairperson