

## Conditions without Prejudice

From: Kimberley Munn  
 Re: DA0925/10  
 Proposal: Demolition of existing dwellings and construction of a residential flat building comprising 43 units, basement car parking and associated landscaping  
 Property 573 Pacific Highway KILLARA NSW 2071  
 585 Pacific Highway KILLARA NSW 2071

**The conditions of consent are as follows:**

### **CONDITIONS THAT IDENTIFY APPROVED PLANS:**

#### **1. Approved architectural plans and documentation (new development)**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
Driveway Slab Plan Part 1099-S01 Issue B	HKMA Engineers	22.12.11
Environmental Site Management Plan A-600 Revision D	Mackenzie Architects	22/12/2011
Front Setback Detail A-602 Revision A	Mackenzie Architects	22/12/2011
Root Mapping A-603	Mackenzie Architects	22/12/2011
Concept Stormwater Management Plan – Basement Level 2 DA02 Revision 2	Northrop	29/4/11
Concept Stormwater Management Plan – Basement Level 1 DA03 Revision 2	Northrop	29/4/11
Concept Stormwater Management Plan – Ground Floor DA04 Revision 3	Northrop	dated 20/12/11
Details Sheet DA05 Revision 3 prepared	Northrop	20/12/11
Site/Roof Plan A-100 Revision D	Mackenzie Architects	27/10/2011

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
Floor Plan 00 A-103 Revision D	Mackenzie Architects	27/10/2011
Floor Plan 01 A-104 Revision D	Mackenzie Architects	27/10/2011
Floor Plan 02 A-105 Revision D	Mackenzie Architects	27/10/2011
Floor Plan 03 A-106 Revision D	Mackenzie Architects	27/10/2011
Floor Plan 04 A-107 Revision D	Mackenzie Architects	27/10/2011
Elevations 1 A-200 Revision D	Mackenzie Architects	27/10/2011
Elevations 2 A-201 Revision D	Mackenzie Architects	27/10/2011
Sections 1 A-300 Revision D	Mackenzie Architects	27/10/2011
50% Deep Soil A-400 Revision D	Mackenzie Architects	27/10/2011
Landscape plan LPDA11 – 215/1D	Conzept Landscape Architects	October 2011
BASIX Plan LPDA 11 – 215/2D	Conzept Landscape Architects	October 2011

<b>Document(s)</b>	<b>Dated</b>
Colours and finishes schedule Revision A prepared by Mackenzie Architects	8.12.2010
BASIX certificate No.338270M_04	5 December 2011
Waste management plan prepared by Mackenzie Architects	23/03/2010
Traffic and Parking Assessment Report ref 10206 prepared by Varga Traffic Planning Pty Ltd	3 December 2010
Heritage Impact Statement prepared by Weir Phillips	November 2010
Geotechnical Assessment Ref 24344Lrpt prepared by Jeffery and Katauskas Pty Ltd	29 October 2010
Solar Impact Report Ref: 4194 prepared by PSN Matter	3 December 2010

Document(s)	Dated
Arboricultural Impact Assessment prepared by Advanced Treescape Consulting	2 December 2010
Access Report prepared by Accessibility Solutions	7 December 2010
Building Code of Australia Compliance Report prepared by tom miskovich & associates	7 December 2010
Impact Assessment Ref: KMC 11-505 prepared by Keystone Ecological	October 2011
Accessibility Report prepared by Accessibility Solutions	25 October 2011
Marked-up Construction Management Plan, Arboricultural Impact Assessment prepared by Advanced Treescape Consulting,	21/12/11

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

## 2. Inconsistency between documents

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

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

## 3. Approved landscape plans

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

Plan no.	Drawn by	Dated
Landscape plan LPDA11 – 215/1D	Conzept Landscape Architects	October 2011

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

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

### 4. Road opening permit

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

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

## **5. Notice of commencement**

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

**Reason:** Statutory requirement.

## **6. Notification of builder's details**

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

**Reason:** Statutory requirement.

## **7. Dilapidation survey and report (public infrastructure)**

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Pacific Highway site frontage,
- All driveway crossings and laybacks opposite the subject site.
- Caithness Walk.

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

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

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

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

## **8. Archival recording of buildings**

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

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

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

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

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

## **9. Dilapidation survey and report (private property)**

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

Address

- 2 Caithness Street
- 6 Caithness Street

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

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

**Note:** A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or

affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

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

## **10. Construction and traffic management plan**

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

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

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

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

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

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

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

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

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

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

## **11. Sediment controls**

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

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

**Reason:** To preserve and enhance the natural environment.

## **12. Erosion and drainage management**

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

**Reason:** To preserve and enhance the natural environment.

## **13. Tree protection fencing**

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

### **Schedule**

#### **Tree/location**

Tree 5/*Lophostemon confertus* (Brushbox) located at the south-east corner of the site on the adjoining property

#### **Radius from trunk**

8m

The tree protection fencing 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 in height prior to work commencing.

**Reason:** To protect existing trees during construction phase

## **14. Tree protection fencing excluding structure**

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

### **Schedule**

#### **Tree/location**

Trees 14/*Jacaranda mimosifolia* (Jacaranda) located on the eastern boundary of the site

#### **Radius from trunk**

As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.

Tree 27/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.
Tree 30/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.
Tree 33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.
Tree 43/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.
Tree 47/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located at the north-west corner of the site	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.
Tree 48/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.
Tree 50/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	As per marked up construction management plan, Advanced Tree Consulting, 21/12/11.

**Reason:** To protect existing trees during the construction phase.

## 15. Tree protection signage

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

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.



- The Arborist's report shall be submitted to the Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

#### **16. Tree protection mulching**

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

**Reason:** To protect existing trees during the construction phase.

#### **17. Tree protection – avoiding soil compaction**

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction and damage to surface roots (eg rumble boards) within the specified radius from the trunk/s of the following tree/s is/are installed. The ground protection is to be maintained throughout the construction period:

##### **Schedule**

##### **Tree/Location**

Trees 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on the eastern boundary of the site	8.4m
Tree 27/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	10.2m
Tree 30/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	9.0m

**Reason:** To protect existing trees during the construction phase.

#### **18. Tree fencing inspection**

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

**Reason:** To protect existing trees during the construction phase.

#### **19. Construction waste management plan**

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

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

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

**Reason:** To ensure appropriate management of construction waste.

## **20. Noise and vibration management plan**

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Certifying Authority. The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

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

## **21. Support for Council roads, footpaths, drainage reserves**

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

**Reason:** To protect Council's infrastructure.

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

**22. Lot consolidation**

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 Certifying Authority prior to issue of the Construction Certificate.

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

**23. Amendments to Environmental Site Management Plan**

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

Plan no.	Drawn by	Date
A-600 Rev D	Mackenzie Architects	22/12/2012

The following changes are required to the Environmental Site Management Plan:

1. Tree fencing and side butting scaffold boards on mulch to be shown in accordance with Section 4.5.6, AS4970-2009 Protection of Trees on development sites, and as per the marked-up Construction Management Plan, prepared by Advanced Treescape Consulting, dated 21/12/11.
2. The plan is to clearly indicate that there shall be no vehicular access or machinery permitted within Caithness Walk. All trenching for the stormwater pipe is to be done by hand with arborist supervision.
3. To prevent root damage and soil compaction within the tree protection zone of Tree 27 and 30, ground protection for the temporary driveway access is to be shown as to be constructed in accordance with Section 4.5.3, AS4970-2009.

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the environmental site management plan has been submitted as required by this condition.

**Note:** A site management plan shall be submitted to the Certifying Authority.

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

**24. Amendments to approved Front Setback Detail Plan**

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

Plan no.	Drawn by	Date
A602 rev A	Mackenzie Architects	22/12/2012

The following changes are required to the Front Setback Detail Plan:

1. Tree 27 should be correctly located as shown on the survey plan, prepared by A C Gilbert, dwg no. 2542 detail A. dwg, dated 25/02/10. The number in the circle is not the centre of the trunk of the tree.

**Note:** An amended Front Setback Plan shall be submitted to the Certifying Authority.

**Reason:** To ensure protection of existing trees.

## 25. Amendments to approved Driveway Slab Part Plan

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

Plan no.	Drawn by	Date
1099-S01 Issue B	HKMA Engineers	22/12/2012

The following changes are required to the Driveway Slab Part plan:

1. The note 'remove top soil' is to be deleted and replaced with the following, 'To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction beneath the canopy of the following tree/s is installed. The ground surface within a 10 metre radius of Tree 27 is to be protected. The ground is to be covered with geofabric and a 200mm deep layer of crushed river pebble to avoid compaction of the underlying root zone. The crushed river pebble is to be laid by hand shovel. Coarse crushed sandstone and recycled concrete is not permitted to be used within the specified radius. The ground protection is to be maintained throughout the construction period.'

### Schedule

#### Tree/location

#### Radius from trunk

Tree 27/*Ficus microcarpa 'Hillii'* (Hills Weeping Fig) located within the front boundary

10m

**Note:** An amended Driveway Slab Part plan shall be submitted to the Certifying Authority.

**Reason:** To ensure protection of existing trees.

## **26. Gutter Crossing**

The design and construction of the gutter crossing on the Pacific Highway shall be in accordance with RTA requirements. Details of these requirements should be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta.

Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval prior to the commencement of any road works. The driveway plays are to be designed to ensure minimum interference with Pacific Highway traffic when vehicles are entering and exiting the property.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.

**Reason:** To satisfy the RTA's requirements for concurrence

## **27. Parking layout**

The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 and AS 2890.02 – 2002 for heavy vehicle usage.

**Reason:** To satisfy the RTA's requirements for concurrence

## **28. Traffic noise impact**

The proposed development shall be designed such that road traffic noise from the Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 of State Environmental Planning Policy (Infrastructure) 2007.

**Reason:** To satisfy the RTA's requirements for concurrence

## **29. Amendments to approved landscape plan**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
LPDA11 – 215/1D	Conzept Landscape Architects	October 2011

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

1. The landscape plan is to be amended in accordance with the approved architectural plans including the approved front setback detail plan.
2. The proposed planting with the exclusion of the proposed lawn area within the Tree Protection Zone/s (TPZ) of Tree 30, 33 & 47 - *Eucalyptus saligna* (Blue Gum) are to be planted out with native species characteristic of Blue Gum High Forest. Native species proposed to be planted are to be selected from the Blue Gum High Forest scientific determination.
3. No monocultures of Blue Gum High Forest species are to be planted within the TPZ of the aforementioned trees.
4. A mixture of Blue Gum High Forest sub-canopy trees, shrubs & ground covers are to be planted within the TPZ of the aforementioned trees.
5. To preserve the existing trees within front setback, the existing levels within their tree protection zones are to be clearly noted on the drawing as to be retained.

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

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

**Reason:** To ensure adequate landscaping of the site

### **30. Long service levy**

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

**Reason:** Statutory requirement.

### **31. Builder's indemnity insurance**

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

**Reason:** Statutory requirement.

### **32. Outdoor lighting**

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

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

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

### **33. Air drying facilities**

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

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

**Reason:** Amenity & energy efficiency.

### **34. External service pipes and the like prohibited**

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with construction certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

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

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

### **35. Access for people with disabilities (residential)**

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

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

### **36. Adaptable units**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, (A7, B7, A11, B13 AND A15) are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

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

**Reason:** Disabled access & amenity.

### **37. Stormwater management plan**

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

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



The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater Plans DA00 to DA03 Rev. '2' and DA04 & DA05 Rev. '3' prepared by Northrop Consulting Engineers submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

**Reason:** To protect the environment.

### **38. Stormwater retention / detention**

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

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

**Reason:** To protect the environment.

### **39. Excavation for services**

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

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

**Reason:** To ensure the protection of trees.

### **40. Recycling and waste management**

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

The responsibility for:

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

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

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

**Reason:** Environmental protection.

#### **41. Noise from road and rail (residential only)**

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

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

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

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

#### **42. Noise from plant in residential zone**

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

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

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

#### **43. Location of plant (residential flat buildings)**

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

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

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

#### **44. Driveway crossing levels**

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

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

#### **45. Driveway grades – basement carpark**

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

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

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

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

#### **46. Basement car parking details**

Prior to issue of the Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”
- a clear height clearance of **2.6 metres** (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans
- **the disabled parking spaces (between No. 24, 25 and 26, 27) be designed as having 2 parking spaces with a common shared area in accordance with Section 2 ‘Parking space layout and access’ of Australian Standards AS 2890.6:2009 ‘Off-street parking for people with disabilities’.**

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

#### **47. Drainage of paved areas**

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

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

#### **48. Vehicular access and garaging**

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 Australian Standard

2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

#### **49. Car parking allocation**

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

Resident car spaces	47
Visitor spaces	11
Total spaces	58

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

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

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

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

#### **50. Number of bicycle spaces**

The basement car park shall be adapted to provide 14 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

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

#### **51. Design of works in public road (Roads Act approval)**

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works:

- plan view of the drainage pipeline from the site outlet pipe down to Councils public drainage system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- longitudinal section, showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail, including all trees within 7 metres of the proposed interallotment drainage system

- means to preserve the root systems of trees within 7 metres of the drainage system

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

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

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

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

## **52. Energy Australia requirements**

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

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

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

## **53. Utility provider requirements**

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the

Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

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

#### **54. Underground services**

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

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

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

#### **55. Infrastructure restorations fee**

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **56. Post development stormwater discharge**

The post development stormwater discharge from the subject site into the RTA drainage system should not exceed the pre development discharge.

Should the post development stormwater discharge exceed the pre development discharge, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

Sydney Asset Management  
Roads and Traffic Authority  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

**Reason:** To satisfy the RTA's requirements for concurrence.

#### **57. Road occupancy licence**

A Road Occupancy Licence is to be obtained from the RTA for any works that may impact on traffic flows on the Pacific Highway during construction activities.

**Reason:** To satisfy the RTA's requirements for concurrence

#### **58. Excavation below roadway**

If it is necessary to excavate below the level of the base of the footings of the adjoining roadway, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.



The development is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The development is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues if applicable:

- a. The impact of excavation/rock anchors on the stability of the Pacific Highway and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of the Pacific Highway.
- c. Any other issues that may need to be addressed. (Contact Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

**Reason:** To satisfy the RTA's requirements for concurrence

#### **59. No stopping restrictions**

Full time "No Stopping" restrictions are to be implemented along the full Pacific Highway frontage of the development site. This restriction should be implemented prior to the commencement of any demolition and construction works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact the RTA's Traffic Management Services on phone 8849 2294 for a works instruction.

**Reason:** To satisfy the RTA's requirements for concurrence

#### **60. Public utility works**

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various utility authorities and/or their agents.

**Reason:** To satisfy the RTA's requirements for concurrence.

#### **61. Section 94 Contributions - Centres.**

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

<b>Key Community Infrastructure</b>	<b>Amount</b>
Local parks and local sporting facilities	\$392,644.28
Local recreation and cultural facilities;	\$67,305.99
Local social facilities	
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$72,992.77
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$264,255.32
<b>Total:</b>	<b>\$797,198.36</b>

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

The contributions specified above are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

Ku-ring-gai Contributions Plan 2010 may be viewed at [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) and at the Council Chambers.

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

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

### **62. Prescribed conditions**

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

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

**Reason:** Statutory requirement.

### **63. Hours of work**

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

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

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

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

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

#### **64. Temporary irrigation**

Temporary irrigation within the Tree Protection Fencing is to be provided. Irrigation volumes are to be determined by the Project Arborist.

**Reason:** To protect trees to be retained on site.

#### **65. Demolition of existing site structures**

To preserve the health and condition of existing trees, all demolition of existing structures including tree removal, are to be undertaken within the access restricted to the existing driveways and building platforms and be in accordance with Section 1.3.0 of Aboricultural Impact Assessment, prepared by Advanced Treescape Consulting, dated 2<sup>nd</sup> December 2010. Where vehicular access is required across natural ground, temporary ground protection capable of supporting the vehicles is to be constructed in accordance with Section 4.5.3, AS4970-2009.

**Reason:** To protect trees to be retained on site.

#### **66. Construction Traffic Management Plan**

Demolition and construction activities are to be carried out in accordance with the Construction Traffic Management Plan which details construction vehicles routes, number of trucks, hours of operation, access arrangements and traffic control and is approved by the RTA.

**Reason:** To satisfy the RTA's requirements for concurrence

#### **67. Vehicles entering site**

All vehicles are to enter and leave the site in a forward direction. All vehicles are to be wholly contained on site before being required to stop.

**Reason:** To satisfy the RTA's requirements for concurrence

#### **68. Construction vehicles entering the site**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction and demolition zone will not be permitted on the Pacific Highway.

**Reason:** To satisfy the RTA's requirements for concurrence

#### **69. Redundant driveway crossings**

All redundant driveways shall be removed and replaced with kerb and gutter to match existing.

**Reason:** To satisfy the RTA's requirements for concurrence

## **70. Signposting**

All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

**Reason:** To satisfy the RTA's requirements for concurrence

## **71. Approved plans to be on site**

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

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

## **72. Engineering fees**

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

**Reason:** To protect public infrastructure.

## **73. Statement of compliance with Australian Standards**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any works.

**Reason:** To ensure compliance with the Australian Standards.

## **74. Construction noise**

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

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

## **75. Site notice**

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

The site notice must:

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

**Reason:** To ensure public safety and public information.

## **76. Dust control**

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

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

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

## **77. Post-construction dilapidation report**

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

adjoining buildings, infrastructure and roads, the Certifying Authority must:

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

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

**Reason:** Management of records.

## **78. Further geotechnical input**

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the **Geotechnical Report Ref: 24344Lrpt dated 29 November 2010** prepared by **Jeffrey and Katauskas Pty Ltd**. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

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

## **79. Compliance with submitted geotechnical report**

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the **Geotechnical Report Ref: 24344Lrpt dated 29 November 2010** prepared by **Jeffrey and Katauskas Pty Ltd**. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

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

## **80. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and

safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area.

#### **81. Guarding excavations**

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

**Reason:** To ensure public safety.

#### **82. Toilet facilities**

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

**Reason:** Statutory requirement.

#### **83. Protection of public places**

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

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

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

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

**Reason:** To protect public places.

#### **84. Recycling of building material (general)**

During demolition and construction, the Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

#### **85. Construction signage**

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time

- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

#### **86. Maintenance period for works in public road**

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

**Reason:** To protect public infrastructure.

#### **87. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

**Reason:** To ensure safe public footways and roadways during construction.

#### **88. Road repairs necessitated by excavation and construction works**

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."



Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

**Reason:** To protect public infrastructure.

## **89. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

## **90. Temporary disposal of stormwater runoff**

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Certifying Authority.

**Reason:** To preserve and enhance the natural environment.

## **91. Erosion control**

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

**Reason:** To protect the environment from erosion and sedimentation.

## **92. Drainage to street**

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

**Reason:** To protect the environment.

## **93. Grated drain at garage**

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect

driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

#### 94. Sydney Water Section 73 Compliance Certificate

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

**Reason:** Statutory requirement.

#### 95. Arborist’s report

The trees to be retained shall be inspected, monitored and treated by a Project Arborist who must be a qualified (AQF) Level 5 arborist in accordance with AS4970-2009 Protection of trees on development sites. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required including at the following times or phases of work. All monitoring shall be recorded and provided to the Certifying Authority prior to completion of the works.

##### Schedule

##### Tree/location

Tree 5/*Lophostemon confertus* (Brushbox)located at the south-east corner of the site on the adjoining property

Trees 14/*Jacaranda mimosifolia* (Jacaranda)located on the eastern boundary of the site

Tree 27/*Ficus microcarpa 'Hillii'* (Hills Weeping Fig)located within the front boundary

##### Time of inspection

Demolition of existing pool, works within TPZ

Commencement of basement excavation, erection of scaffolding, works within TPZ.

Location and excavation of driveway slab edge thickening and piers for driveway, erection of scaffolding, during construction of boardwalks, works within TPZ.

**Schedule****Tree/location**

Tree 30/*Eucalyptus saligna* (Sydney Blue Gum) located within the front boundary

Tree 33/*Eucalyptus saligna* (Sydney Blue Gum) located within the front boundary

Tree 43/*Ficus microcarpa* 'Hillii' (Hills Weeping Fig) located within the front boundary

Tree 47/*Eucalyptus saligna* (Sydney Blue Gum) located at the north-west corner of the site

Tree 48/*Ficus microcarpa* 'Hillii' (Hills Weeping Fig) located on the northern boundary

Tree 50/*Ficus microcarpa* 'Hillii' (Hills Weeping Fig) located on the northern boundary

Tree 51/*Cedrus deodara* (Himalayan Cedar) located within the front boundary

**Time of inspection**

Commencement of basement excavation, erection of scaffolding, during construction of boardwalks, works within TPZ.

Commencement of basement excavation, erection of scaffolding, during construction of boardwalks, works within TPZ.

Commencement of excavation, scaffolding, works within TPZ

Commencement of basement excavation, erection of scaffolding, works within TPZ.

Commencement of basement excavation, erection of scaffolding, works within TPZ.

Commencement of basement excavation, erection of scaffolding, works within TPZ.

Commencement of basement excavation, erection of scaffolding, works within TPZ.

**Reason:** To ensure protection of existing trees.

**96. Canopy/root pruning**

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced AQF level 3 Arborist under the supervision of the Project Arborist and in accordance with the reduction pruning clause of AS4373-2007. All other branches are to be tied back and protected during construction, under the supervision of a qualified arborist.

**Schedule****Tree/location****Tree works**

Trees 14/*Jacaranda mimosifolia* (Jacaranda) located on the eastern boundary of the site

Minor pruning for building clearance

Tree 27/*Ficus microcarpa 'Hillii'* (Hills Weeping Fig) located within the front boundary

Minor pruning for building clearance

Tree 30/*Eucalyptus saligna* (Sydney Blue Gum) located within the front boundary

Minor pruning for building clearance

Tree 33/*Eucalyptus saligna* (Sydney Blue Gum) located within the front boundary

Minor pruning for building clearance

Tree 43/*Ficus microcarpa 'Hillii'* (Hills Weeping Fig) located within the front boundary

Minor pruning for building clearance

Tree 47/*Eucalyptus saligna* (Sydney Blue Gum) located at the north-west corner of the site

Minor pruning for building clearance

Tree 48/*Ficus microcarpa 'Hillii'* (Hills Weeping Fig) located on the northern boundary

Minor pruning for building clearance

Tree 50/*Ficus microcarpa 'Hillii'* (Hills Weeping Fig) located on the northern boundary

Minor pruning for building clearance

Tree 51/*Cedrus deodara* (Himalayan Cedar) located within the front boundary

Minor pruning for building clearance

**Reason:** To protect the environment.

**97. Treatment of tree roots**

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

**Reason:** To protect existing trees.

**98. Cutting of tree roots**

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

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

Tree 5/*Lophostemon confertus* (Brushbox) located at the south-east corner of the site on the adjoining property

10.8m

Trees 14/*Jacaranda mimosifolia* (Jacaranda) located on the eastern boundary of the site

8.4m

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

Tree 27/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	10.2m
Tree 30/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	9.0m
Tree 33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	15m
Tree 43/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	9.4m
Tree 47/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located at the north-west corner of the site	14.5m
Tree 48/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	8m
Tree 50/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	14.5m
Tree 51/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front boundary	8.4m

**Reason:** To protect existing trees.

**99. Excavation near trees**

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

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

Tree 5/ <i>Lophostemon confertus</i> (Brushbox) located at the south-east corner of the site on the adjoining property	10.8m
Trees 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on the eastern boundary of the site	8.4m
Tree 27/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	10.2m
Tree 30/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	9.0m
Tree 33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	15m
Tree 43/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	9.4m

**Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
Tree 47/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located at the north-west corner of the site	14.5m
Tree 48/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	8m
Tree 50/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	8m
Tree 51/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front boundary	8.4m

**Reason:** To protect existing trees.

**100. Hand excavation**

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug under the supervision of the Project Arborist.

**Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
Tree 5/ <i>Lophostemon confertus</i> (Brushbox) located at the south-east corner of the site on the adjoining property	10.8m
Trees 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on the eastern boundary of the site	8.4m
Tree 27/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	10.2m- excavation for piers and driveway to be excavated by hand to minimum 1 metre depth prior to mechanical drilling.
Tree 30/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	9.0m
Tree 33/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located within the front boundary	15m
Tree 43/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located within the front boundary	9.4m
Tree 47/ <i>Eucalyptus saligna</i> (Sydney Blue Gum) located at the north-west corner of the site	14.5m
Tree 48/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	8m
Tree 50/ <i>Ficus microcarpa</i> 'Hillii' (Hills Weeping Fig) located on the northern boundary	14.5m

**Schedule**  
**Tree/location**

**Radius from trunk**

Tree 51/*Cedrus deodara* (Himalayan Cedar) located within the front boundary

8.4m

**Reason:** To protect existing trees.

**101. No storage of materials beneath trees**

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

**Reason:** To protect existing trees.

**102. Removal of refuse**

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

**Reason:** To protect the environment.

**103. Canopy replenishment trees to be planted**

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

**Reason:** To maintain the treed character of the area.

**104. Removal of noxious plants & weeds**

All noxious and/or environmental weed species, including *Hedera sp.* (Ivy) from trunks of Trees 47, 48, 50 and *Monstera sp* (Fruit Salad Plant) from trunk of Tree 51, shall be removed from the property prior to completion of building works.

**Reason:** To protect the environment.

**105. Survey and inspection of waste collection clearance and path of travel**

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

- ascertain the reduced level of the underside of the slab at the driveway entry,
- certify that the level is not lower than the level shown on the approved DA plans; and
- certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area.
- This certification is to be provided to Council's Development Engineer prior to any concrete being poured for the ground floor slab.
- No work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

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

**Reason:** To ensure access will be available for Council's contractors to collect waste from the collection point.

#### **106. On site retention of waste dockets**

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

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

**Reason:** To protect the environment.

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

##### **107. Easement for waste collection**

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

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

##### **108. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 338270M\_04, dated 5 December 2011 have been complied with.

**Reason:** Statutory requirement.

##### **109. Clotheslines and clothes dryers**

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

**Reason:** To provide access to clothes drying facilities.



## **110. Mechanical ventilation**

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

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

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

**Reason:** To protect the amenity of surrounding properties.

## **111. Completion of landscape works**

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

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

## **112. Completion of tree works**

Prior to the release of the Occupation Certificate, the Certifying Authority is to be satisfied that all tree works, including pruning in accordance with AS4373-2007 or remediation works in accordance with AS4370-2009, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

## **113. Accessibility**

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2

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

**Reason:** Disabled access & services.

#### **114. Retention and re-use positive covenant**

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

**Reason:** To protect the environment.

#### **115. Provision of copy of OSD designs if Council is not the PCA**

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

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

**Reason:** For Council to maintain its database of as-constructed on-site stormwater detention systems.

#### **116. Certification of drainage works**

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans

- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

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

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

**Reason:** To protect the environment.

#### **117. WAE plans for stormwater management and disposal (dual occupancy and above)**

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

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

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

**Reason:** To protect the environment.

#### **118. Basement pump-out maintenance**

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

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

**Reason:** To protect the environment.

#### **119. OSD positive covenant/restriction**

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

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

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

**Reason:** To protect the environment.

#### **120. Sydney Water Section 73 Compliance Certificate**

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

**Reason:** Statutory requirement.

#### **121. Certification of as-constructed driveway/carpark – RFB**

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

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

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

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

## **122. Reinstatement of redundant crossings and completion of infrastructure works**

Prior to issue of the Occupation Certificate, the Certifying Authority must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

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

This inspection may not be carried out by the Private Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors,

sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

**Reason:** To protect the streetscape.

### **123. Construction of works in public road – approved plans**

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

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

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

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

### **124. Infrastructure repair**

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

**Reason:** To protect public infrastructure.

### **125. Mechanical ventilation**

Prior to the issue of the Occupation Certificate, the Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

**Reason:** To ensure adequate levels of health and amenity to the occupants of the building.

### **126. Fire safety certificate**

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

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

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

## **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

### **127. Sight lines**

The required sight lines to pedestrians or other vehicles in or around the basement car park and entrances should not be compromised by landscaping including existing trees on the nature strip, signage, fencing or display materials. Any proposed landscaping, and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of the Pacific Highway. If any changes are necessitated to the approved landscape plan as a result of this condition, a modification application must be lodged with Council to demonstrate the changes to landscaping within the front setback.

**Reason:** To satisfy the RTA's requirements for concurrence

### **128. Outdoor lighting**

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

**Reason:** To protect the amenity of surrounding properties.

### **129. No door restricting internal waste collection in basement**

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

**Reason:** To facilitate access to the garbage collection point.

### **130. Noise control – plant and machinery**

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

**Reason:** To protect the amenity of surrounding residents.

### **131. Car parking**

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part

thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building. These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

**Reason:** To ensure adequate provision of visitor parking spaces.

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