

Conditions of Consent are as follows -

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

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, grant development consent to Development Application No. 0619/11 for the demolition of the five dwellings and construction of three residential flat buildings containing 124 units as shown on plans prepared by DEM Architects, subject to the following conditions:

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:

Plan no.	Drawn by	Dated
AR-CV01 Revision A02	DEM	6/03/2012
AR-0102 Revision A02	DEM	6/03/2012
AR-1200 Revision A02	DEM	6/03/2012
AR-1201 Revision A02	DEM	6/03/2012
AR-1202 Revision A02	DEM	6/03/2012
AR-1203 Revision A02	DEM	6/03/2012
AR-1204 Revision A02	DEM	6/03/2012
AR-1701 Revision A02	DEM	6/03/2012
AR-1703 Revision A01	DEM	11/04/2012
AR-1801 Revision A01	DEM	6/03/2012
AR-2101 Revision A02	DEM	6/03/2012
AR-2301 Revision A02	DEM	6/03/2012
AR-2500 Revision A02	DEM	6/03/2012
AR-2501 Revision A02	DEM	6/03/2012
AR-2502 Revision A02	DEM	6/03/2012
AR-2701 Revision A01	DEM	18/11/2011
LA-CV00 Revision A05	DEM	6/03/2012
LA-2401 Revision A07	DEM	29/02/2012
LA-0501 Revision A11	DEM	29/02/2012
LA-0502 Revision A09	DEM	29/02/2012
LA-0503 Revision A09	DEM	6/03/2012
LA-0504 Revision A05	DEM	6/03/2012
LA-0505 Revision A02	DEM	6/03/2012
AR9052 Revision A01	DEM	11/11/2011
AR9053 Revision A01	DEM	18/11/2011
AR9054 Revision A01	DEM	18/11/2011
Specialist Lighting Concept (5 sheets)	Webb Australia Group	undated
SY100003/E1 Issue 5	Acor Appleyard	11/2011
SY100003/E2 Issue 5	Acor Appleyard	11/2011

SY100003/E3 Issue 5	Acor Appleyard	11/2011
SY100003/E4 Issue 5	Acor Appleyard	11/2011
SY100003/E5 Issue 7	Acor Appleyard	02/2012
SY100003/E6 Issue 8	Acor Appleyard	03/2012
SY100003/E7 Issue 7	Acor Appleyard	02/2012
SY100003/E8 Issue 7	Acor Appleyard	02/2012
SY100003/C1 Issue 11	Acor Appleyard	02/2012
SY100003/C2 Issue 11	Acor Appleyard	02/2012
SY100003/C3 Issue 12	Acor Appleyard	03/2012
SY100003/C4 Issue 12	Acor Appleyard	03/2012
SY100003/C5 Issue 11	Acor Appleyard	02/2012
SY100003/C6 Issue 4	Acor Appleyard	02/2012
SY100003/F1 Issue 5	Acor Appleyard	11/2011
SY100003/F2 Issue 5	Acor Appleyard	11/2011
SY100003/D1 Issue 4	Acor Appleyard	11/2011
SY100003/D2 Issue 5	Acor Appleyard	11/2011
SY100003/D3 Issue 5	Acor Appleyard	11/2011
SY100003/D4 Issue 5	Acor Appleyard	11/2011
SY100003/D5 Issue 5	Acor Appleyard	11/2011
SY100003/D6 Issue 2	Acor Appleyard	11/2011

Document(s)	Dated
SEPP 65 Design Verification Statement prepared by Rudi Valla	undated
Development Impact Assessment Report prepared by Earthscape Horticultural Services	November 2011
Basix certificate No. 367598M_04	7/03/2012
Basix certificate No. 404354M_04	7/03/2012
Basix certificate No. 404379M_03	7/03/2012
Rosedale Unit Type, Area & Storage Schedule	6/03/2012
Letter from ERBAS RE: Confirmation of Equipment Installation Location	1/11/2011
Report on Geotechnical Investigation Project 72026.00	9/10/2010
Access Report prepared by Mark Relf	17/11/2011
Waste Management Plan prepared by EMF Griffiths Sustainability Consultants. Issue 11.	6/03/2012
DA Acoustic Assessment prepared by SLR. Revision 2.	7/11/2011
Letter from Roads and Maritime Services	22/12/2011

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

2. Inconsistency between documents

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

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

3. Approved landscape plans

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

Plan no.	Drawn by	Dated
LA-CV00 Revision A05	DEM	6/03/2012
LA-2401 Revision A07	DEM	29/02/2012
LA-0501 Revision A11	DEM	29/02/2012
LA-0502 Revision A09	DEM	29/02/2012
LA-0503 Revision A09	DEM	6/03/2012
LA-0504 Revision A05	DEM	6/03/2012
LA-0505 Revision A02	DEM	6/03/2012

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.

4a Noise and vibration management plan (New condition)

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to 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.

5. Groundwater inflow predictions

1. The predicted instantaneous inflow rate (expressed in litres per second) and the predicted total groundwater extraction volume (expressed in megalitres) for the defined period of construction (expressed in months) of the development shall be determined and advised to the NSW Office of Water. The treatment, management and disposal of the pumped groundwater may be subject of approval by the appropriate regulatory authority.
2. The predicted instantaneous inflow rate (expressed in litres per second) and the predicted total groundwater extraction volume (expressed in megalitres per year) for the long-term operation of the development shall be determined and advised to the NSW Office of Water. The treatment, management and disposal of the pumped groundwater will be subject to approval by the appropriate regulatory authority.

Reason: To protect the environment.

6. Notice of commencement

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

Reason: Statutory requirement.

7. Notification of builder's details

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

Reason: Statutory requirement.

8. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Mona Vale Road northbound, including kerb and gutter, over the site frontage.
- Memorial Avenue between Mona Vale Road and Killeaton Street, including kerb and gutter opposite the site entry and exit.

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

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

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

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

9. Archival recording of buildings

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

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

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

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

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

10. Dilapidation survey and report (private property)

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

Address

- 5, 7, 11 and 15 Memorial Avenue
- 220-222 Mona Vale Road

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

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

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

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

11. Construction and traffic management plan

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

The maximum size of vehicles to service the Stages 2 and 3 construction sites is 11 metres for Stage 2 and 9 metres for Stage 3.

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

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

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

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 (9 metres for Stages 2 and 3).

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

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

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

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

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

12. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

13. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off as shown on the following plans, 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.

Plan no.	Drawn by	Date
Tree Protection Plan – Demolition Plan – dwgs S1 to S5, Appendix 6, Arborist Report	Earthscape Horticultural Services	19/10/2011
Tree Protection Plan – Construction Plan – dwgs S1 to S5, Appendix 7, Arborist Report	Earthscape Horticultural Services	19/10/2011

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 signage

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

Tree protection zone.

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

Reason:To protect existing trees during the construction phase.

15. 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.

16. 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) as shown on the following plans, is/are installed. The ground protection is to be maintained throughout the construction period:

Plan no.	Drawn by	Date
Tree Protection Plan – Construction Plan dwgs S1 to S5, Appendix 7, Arborist Report	Earthscape Horticultural Services	19/10/2011

Reason:To protect existing trees during the construction phase.

17. Tree fencing inspection

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

Reason:To protect existing trees during the construction phase.

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

18. Amendments to Environmental Site Management Plan

Prior to the issue of a Construction Certificate, the Principal 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
SY100003/E5, E7, E8 Issue 7 SY100003/E6 Issue 8	Acor Appleyard	March 2012

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

1. To prevent adverse canopy impacts, all scaffolding in the vicinity of trees to be retained to be shown. Scaffolding to be limited to 1 metre wide within the canopy spread of the following trees in accordance with Section 9.1.9, Arborist Report, Earthscape Horticultural Services, dated November 2011 and as indicated on Tree Protection Plan Construction Phase, Appendix 7, Arborist Report, Earthscape Horticultural Services, dated November 2011.

Schedule	
Tree/location	Radius from trunk
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	4.2m
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	4.5m
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback.	8.4m
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Minor pruning for building clearance
Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Minor pruning for building clearance
Tree 55/ <i>Celtis sinensis</i> (Chinese Nettle Tree) located on eastern boundary, east of proposed Block C	Minor pruning for building clearance

2. To prevent root damage and soil compaction within the tree protection zone of following trees, ground protection for the driveway access along the access handles to Memorial Avenue is to be shown as to be constructed in accordance with Section 4.5.3, AS4970-2009.

Schedule	
Tree/location	Radius from trunk
Tree 73/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the access handle (entry from Memorial Road).	4.2m
Tree 74/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the proposed driveway (entry from Memorial Road)	4.5m

Tree 87/ <i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	8.4m
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Prior to the issue of the Construction Certificate, the Principal 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.

19. Consolidation of lots

Prior to the issue of the Occupation Certificate for the first stage of the development to be occupied, the applicant is to consolidate the existing lots. Evidence of the consolidation, in the form of a plan registered with Department of Lands, is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure that development does not occur across property boundaries.

20. Basement entry ramp from Memorial Avenue

Prior to the issue of the Construction Certificate the architectural plans are to be amended in accordance with the concept plan (AR-1703 Revision A01) for the redesign of the basement entry ramp as referred to in the list of approved plans.

Reason: To ensure that sufficient clearance height is provided between the basement entry ramp and the underside of the footpath above the ramp.

21. Amendments to approved landscape plan

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

Plan no.	Drawn by	Date
Landscape Plan Planting Plan Ground Floor Plan Ia-0502 Rev A09	DEM	29/02/12

The following changes are required to the Landscape Plan:

- To preserve the biodiversity of the site, the proposed planting of *Eucalyptus punctata* (Grey Gum) shall be substituted with *Eucalyptus resinifera* (Red Mahogany) or *Angophora costata* (Sydney Red Gum). Proposed planting of *Melaleuca armillaris* shall be substituted with *Acacia falcata*, *Melaleuca decora* or *Bursaria spinosa*.

2. To preserve neighbour amenity, two additional canopy trees are to be located on the northern boundary of the communal open space located to the south-west of Block B.

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

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

Note: An amended 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

22. 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.

23. 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 \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, 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.

24. 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.

25. Access for people with disabilities (residential)

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

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

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

26. 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, [as shown on the approved architectural plans], are designed as adaptable housing Class C 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.

27. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must be based on **ACOR Appleyard Stormwater Management Plans Drawings SY100003/C1/11, C2/11, C3/12, C4/12, C5/11 and C6/4** and 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)
- how runoff will be collected from the access handles and conveyed into Pits P17 and P18 - eg one way crossfall and kerb on lower side.

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia.

Reason: To protect the environment.

28. Excavation for services

Prior to the issue of the Construction Certificate, the Principal 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 Principal Certifying Authority.

Reason: To ensure the protection of trees.

29. Recycling and waste management

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with the approved waste management plan. 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.

30. Noise from road and driveways (residential only)

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

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

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

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

31. 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.

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.

31a Verification of acoustic performance (new condition)

Following construction of the development, an appropriately qualified independent acoustic engineer is to determine, by the way of onsite measurements, whether the noise criteria in Conditions 30 and 31 have been met. If not, the acoustic engineer is to recommend any necessary remedial works. The remedial works are to be carried out by the applicant.

32. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement and/or the roof level mechanical equipment platforms that are identified on the approved architectural plans.

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

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

33. Driveway crossing levels

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

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

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

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

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

34. Driveway grades – basement car parks

Prior to the issue of the Construction Certificate for each stage, 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 (Stage 1) or 25% (1 in 4) maximum (Stages 2 and 3) and
- all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

35. Basement car parking details

Prior to issue of the Construction Certificate for each stage, 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

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

36. Car parking allocation

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

Resident car spaces	132
Visitor spaces	31
Total spaces	163

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

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

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

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

37. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate for Stage 1, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Mona Vale Road:

- 300mm diameter pipe connection across the footpath and new 1.8 metre extended kerb inlet pit over existing drainage pipe in Mona Vale Road.

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.

38. Energy Australia requirements

Prior to issue of the Construction Certificate for Stage 1, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

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

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

39. Utility provider requirements

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

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

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

40. 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.

41. Roads and Maritime Services Requirements

- 1. The design and construction of the proposed new entry and exit driveway along Mona Vale Road shall be in accordance with AS2890.1 - 2004 and RMS

requirements. Details of these requirements should be obtained from RMS Project Services Manager, Traffic Projects Section, Parramatta (telephone 02 8849 2496).

Detailed design plans of the proposed modified driveway are to be submitted to RMS for approval prior to the commencement of any road works.

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 RMS.

All redundant driveways on Mona Vale Road shall be removed and replaced with kerband gutter to match existing.

2. All vehicles shall be wholly contained on site before being required to stop.
3. The required sight lines to pedestrians, other vehicles and cyclists shall not be compromised by landscaping, signage, fencing or display materials.
4. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
5. The layout of vehicle parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
6. Council should ensure that post-development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge. Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

7. A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works Ph: 88492114 or Fax: 8849 2766.
8. The proposed development should be designed such that road traffic noise from Mona Vale Road, is mitigated by durable materials, in accordance with Office of Environment and Heritage criteria for new land use developments (The NSW Road Noise Policy, July 2011). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

9. During construction, all demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping. If this is not possible for all construction activities, the applicant will be required to obtain a Road Occupancy Licence.
10. All demolition and construction vehicles should be contained wholly within the site as a work zone permit will not be approved on Mona Vale Road.
11. All works associated with the proposed development shall be borne by the developer and at no cost to Roads and Maritime Services.

Reason: The concurrence of Roads and Maritime Services under Section 138 of the Roads Act is required for this development. The concurrence of Roads and Maritime Services is subject to the requirements listed above.

42. Section 94 Contributions – Stage 1

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

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$503,277.09
Local recreation and cultural facilities;	\$67,306.00
Local social facilities	
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$29,247.74
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$315,112.91
Total:	\$914,943.74

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 and at the Council Chambers.

Note: For development staging details refer to the approved Environmental & Construction Site Management Plans prepared by ACOR Appleyard and identified as Drawing Nos. SY100003/E6 Issue 8, SY100003/E7 Issue 7 and SY100003/E8 Issue 7.

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.

43. Section 94 Contributions – Stage 2

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

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$481,182.03
Local recreation and cultural facilities;	\$64,351.09
Local social facilities	
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$28,170.22
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$301,278.69
Total:	\$874,982.03

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 and at the Council Chambers.

Note: For development staging details refer to the approved Environmental & Construction Site Management Plans prepared by ACOR Appleyard and identified as Drawing Nos. SY100003/E6 Issue 8, SY100003/E7 Issue 7 and SY100003/E8 Issue 7.

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.

44. Section 94 Contributions – Stage 3

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

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$388,709.97
Local recreation and cultural facilities;	\$51,984.28
Local social facilities	
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$22,243.62
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$243,379.89
Total:	\$706,317.76

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 and at the Council Chambers.

Note: For development staging details refer to the approved Environmental & Construction Site Management Plans prepared by ACOR Appleyard and identified as Drawing Nos. SY100003/E6 Issue 8, SY100003/E7 Issue 7 and SY100003/E8 Issue 7.

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:

45. 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.

46. 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.

47. 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.

48. Demolition of existing site structures

To preserve the health and condition of existing trees to be retained, all demolition of existing building and landscape 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 13.17 of Arborist Report, prepared by Earthscape Horticultural Services, dated November 2011. Where vehicular access is required across existing soft landscape area, temporary ground protection capable of supporting the vehicles is to be constructed in accordance with approved temporary driveway shown on the tree Protection Plan, Appendix 7, Arborist Report, Earthscape Horticultural Services, dated November 2011, and Environmental Site Management Plans, dwg SY100003/E5, E7, E8 Issue 7 and SY100003/E6 Issue 8, Acor Appleyard, March 2012 and as per Section 4.5.3, AS4970-2009 Protection of trees on development sites.

Reason: To protect trees to be retained on site.

~~49. Reduction or elimination of groundwater impact DELETE~~

~~If, during the detailed design of the development or during construction, significant quantities of groundwater are identified or encountered, the NSW Office of Water shall be consulted. Any measures as directed or agreed to by the NSW Office of Water to reduce or eliminate the inflow of groundwater to the construction site shall be incorporated into the detailed design and/or construction of the development.~~

Reason: To protect the environment.

50. Approved plans to be on site

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

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

51. 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.

52. Site notice

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

The site notice must:

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

Reason:To ensure public safety and public information.

53. 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.

54. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Douglas Partners. 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.

55. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Douglas Partners. 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.

56. 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.

57. Approval for rock anchors

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

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

58. Maintenance period for works in public road

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

Reason: To protect public infrastructure.

59. Road reserve safety

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

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

60. Road repairs necessitated by excavation and construction works

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

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

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

Reason: To protect public infrastructure.

61. Services

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

ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

62. Temporary rock anchors

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

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

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

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

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

63. 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.

64. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

65. 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 Principal Certifying Authority are required including at the following times or phases of work. All monitoring shall be recorded and provided to the Principal Certifying Authority prior to completion of the works.

Schedule	
Tree/location	Time of inspection
Tree 7/ <i>Pinus patula</i> (Mexican Pine) located within the front setback on the south western boundary	Demolition of masonry walls and driveway within TPZ
Tree 8/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) located within the front setback on the south western boundary	Commencement of excavation for pedestrian path and stormwater line within TPZ
Tree 12/ <i>Araucaria columnaris</i> (Cook’s Pine) located within the front setback on the south western boundary	Commencement of excavation for pedestrian path and stormwater line within TPZ
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	Installation of ground protection for haulage roads and erection of scaffolding, excavation for substation within TPZ
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	Installation of ground protection for haulage roads and excavation for basement and entry path posts within TPZ
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback.	Installation of ground protection for haulage roads and

	excavation for basement and driveway within TPZ
Tree 33b/ <i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) located on the adjoining property adjacent to the front setback.	Installation of ground protection for haulage roads and excavation for stormwater lines and driveway within TPZ
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Excavation for basement and thrust boring stormwater line within TPZ, installation of scaffolding
Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Excavation for basement, installation of scaffolding
Tree 64/ <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located on eastern boundary, east of proposed Block C	Thrust boring for stormwater line within TPZ
Tree 66a/ <i>Franklinia axillaris</i> (Gordonia) located on eastern boundary, east of proposed Block C	Thrust boring for stormwater line within TPZ
Tree 72/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on north-west boundary, north of northern access handle, within adjoining property	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 73/ <i>Celtis occidentalis</i> (<i>Hackberry</i>) located within the adjoining property on the north side of the access handle (entry from Memorial Road).	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 74/ <i>Celtis occidentalis</i> (<i>Hackberry</i>) located within the adjoining property on the north side of the proposed driveway (entry from Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 75/ <i>Schinus areira</i> (<i>Peppercorn Tree</i>) TPZ 4.2 The tree is located on the adjoining property, 3.0m south of the proposed driveway (entry from Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 76/ <i>Stenocarpus sinuatus</i> (<i>Firewheel Tree</i>) TPZ 7.2 The tree is located within the adjoining property on the western boundary.	Installation of ground protection for haulage roads, thrust boring for stormwater lines within TPZ
Tree 87/ <i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	Demolition of existing pavement, installation of ground

	protection for haulage roads, excavation for driveway, footpath and stormwater lines within TPZ
Tree 87a/ <i>Agonis flexuosa</i> (Willow Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	Demolition of existing pavement, installation of ground protection for haulage roads, excavation for driveway, footpath and stormwater lines within TPZ
Tree 87b/ <i>Lagerstroemia indica</i> (Crepe Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	Installation of ground protection for haulage roads, excavation for footpath and stormwater lines within TPZ
Tree1/ <i>Ginkgo biloba</i> (Maiden-hair Tree) located on the Mona Vale Road nature strip	Installation of ground protection for haulage roads, excavation for front fence within TPZ
Tree 3/ <i>Eucalyptus microcorys</i> (Tallowood) located on the Mona Vale Road nature strip	Installation of ground protection for haulage roads, excavation for stormwater lines and driveway within TPZ

Reason: To ensure protection of existing trees.

66. 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
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	Minor pruning for building clearance
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	Minor pruning for building clearance
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback.	Minor pruning for building clearance
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Minor pruning for building clearance

Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Minor pruning for building clearance
Tree 55/ <i>Celtis sinensis</i> (Chinese Nettle Tree) located on eastern boundary, east of proposed Block C	Minor pruning for building clearance

Reason: To protect the environment.

67. 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.

68. ~~Cutting of tree roots – DELETE~~

~~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 7/ <i>Pinus patula</i> (Mexican Pine) located within the front setback on the south western boundary	6.2m
Tree 8/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) located within the front setback on the south western boundary	4.3m
Tree 12/ <i>Araucaria columnaris</i> (Cook's Pine) located within the front setback on the south western boundary	5.3m
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	6.6m
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	7.8m
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback.	8.3m
Tree 33b/ <i>Liquidambar styraciflua</i> (Liquidambar) located on the adjoining property adjacent to the front setback.	7.8m
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	7.8m
Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	9.0m
Tree 64/ <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located on eastern boundary, east of proposed Block C	2.0m
Tree 66a/ <i>Franklinia axillaris</i> (Gordonia) located on eastern boundary, east of proposed Block C	4.5m
Tree 72/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on north-west boundary, north of northern access handle, within adjoining property	8.4m
Tree 73/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the access handle (entry from Memorial Road).	4.2m

Tree 74/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the proposed driveway (entry from Memorial Road)	4.5m
Tree 75/ <i>Schinus areira</i> (Peppercorn Tree) TPZ 4.2 The tree is located on the adjoining property, 3.0m south of the proposed driveway (entry from Memorial Road)	4.2m
Tree 76/ <i>Stenocarpus sinuatus</i> (Firewheel Tree) TPZ 7.2 The tree is located within the adjoining property on the western boundary.	7.2m
Tree 87/ <i>Liquidambar styraciflua</i> (Liquidambar) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	8.4m
Tree 87a/ <i>Agonis flexuosa</i> (Willow Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	4.2m
Tree 87b/ <i>Lagerstroemia indica</i> (Crepe Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	4.5m
Tree 1/ <i>Ginkgo biloba</i> (Maiden-hair Tree) located on the Mona Vale Road nature strip	5.2m
Tree 3/ <i>Eucalyptus microcorys</i> (Tallowood) located on the Mona Vale Road nature strip	8.4m

Reason: To protect existing trees.

69. 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 to minimum 700mm depth along the perimeter line of such works, is completed:

Schedule	
Tree/location	Radius from trunk
Tree 7/ <i>Pinus patula</i> (Mexican Pine) located within the front setback on the south western boundary	6.2m
Tree 8/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) located within the front setback on the south western boundary	4.3m
Tree 12/ <i>Araucaria columnaris</i> (Cook's Pine) located within the front setback on the south western boundary	5.3m
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	6.6m
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	7.8m
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback.	8.3m
Tree 33b/ <i>Liquidambar styraciflua</i> (Liquidambar) located on the adjoining property adjacent to the front setback.	7.8m
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	7.8m
Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	9.0m
Tree 64/ <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located on eastern boundary, east of proposed Block C	2.0m

Tree 66a/ <i>Franklinia axillaris</i> (Gordonia) located on eastern boundary, east of proposed Block C	4.5m
Tree 72/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on north-west boundary, north of northern access handle, within adjoining property	8.4m
Tree 73/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the access handle (entry from Memorial Road).	4.2m
Tree 74/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the proposed driveway (entry from Memorial Road)	4.5m
Tree 75/ <i>Schinus areira</i> (Peppercorn Tree) TPZ 4.2 The tree is located on the adjoining property, 3.0m south of the proposed driveway (entry from Memorial Road)	4.2m
Tree 76/ <i>Stenocarpus sinuatus</i> (Firewheel Tree) TPZ 7.2 The tree is located within the adjoining property on the western boundary.	7.2m
Tree 87/ <i>Liquidambar styraciflua</i> (Liquidambar) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	8.4m
Tree 87a/ <i>Agonis flexuosa</i> (Willow Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	4.2m
Tree 87b/ <i>Lagerstroemia indica</i> (Crepe Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	4.5m
Tree 1/ <i>Ginkgo biloba</i> (Maiden-hair Tree) located on the Mona Vale Road nature strip	5.2m
Tree 3/ <i>Eucalyptus microcorys</i> (Tallowood) located on the Mona Vale Road nature strip	8.4m

Reason: To protect existing trees.

70. Hand excavation

All excavation except for basement and driveways 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	
Tree/location	Radius from trunk
Tree 7/ <i>Pinus patula</i> (Mexican Pine) located within the front setback on the south western boundary	6.2m
Tree 8/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) located within the front setback on the south western boundary	4.3m
Tree 12/ <i>Araucaria columnaris</i> (Cook's Pine) located within the front setback on the south western boundary	5.3m
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	6.6m
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	7.8m
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback.	8.3m

Tree 33b/ <i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) located on the adjoining property adjacent to the front setback.	7.8m
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	7.8m
Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	9.0m
Tree 64/ <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located on eastern boundary, east of proposed Block C	2.0m
Tree 66a/ <i>Franklinia axillaris</i> (Gordonia) located on eastern boundary, east of proposed Block C	4.5m
Tree 72/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on north-west boundary, north of northern access handle, within adjoining property	8.4m
Tree 73/ <i>Celtis occidentalis</i> (<i>Hackberry</i>) located within the adjoining property on the north side of the access handle (entry from Memorial Road).	4.2m
Tree 74/ <i>Celtis occidentalis</i> (<i>Hackberry</i>) located within the adjoining property on the north side of the proposed driveway (entry from Memorial Road)	4.5m
Tree 75/ <i>Schinus areira</i> (<i>Peppercorn Tree</i>) TPZ 4.2 The tree is located on the adjoining property, 3.0m south of the proposed driveway (entry from Memorial Road)	4.2m
Tree 76/ <i>Stenocarpus sinuatus</i> (<i>Firewheel Tree</i>) TPZ 7.2 The tree is located within the adjoining property on the western boundary.	7.2m
Tree 87/ <i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	8.4m
Tree 87a/ <i>Agonis flexuosa</i> (Willow Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	4.2m
Tree 87b/ <i>Lagerstroemia indica</i> (Crepe Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road).	4.5m
Tree 1/ <i>Ginkgo biloba</i> (<i>Maiden-hair Tree</i>) located on the Mona Vale Road nature strip	5.2m
Tree 3/ <i>Eucalyptus microcorys</i> (Tallowood) located on the Mona Vale Road nature strip	8.4m

Reason: To protect existing trees.

71. 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.

72. 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.

73. 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.

74. Removal of noxious plants & weeds

All noxious and/or environmental weed species shall be removed from the property prior to completion of building works.

Reason: To protect the environment.

75. Survey and inspection of waste collection clearance and path of travel

At the stage when formwork for the Stage 1 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.

76. 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:

77. Easement for waste collection

Prior to issue of the Occupation Certificate for Stage 1, an easement for waste collection is to be created under Section 88B or 88E of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

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

78. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificates numbered 367598M_04, 404354M_04, and 404379M_03, as applicable to the relevant stage of the development have been complied with.

Reason: Statutory requirement.

79. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, as applicable for the relevant stage of development 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.

80. Completion of tree works

Prior to the release of the Occupation Certificate, the Principal 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.

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

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

- the stormwater drainage works for the relevant stage 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 (Stage 1)
- 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. These certifications are required for Stage 1 only.

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 for each stage.

Reason: To protect the environment.

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

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

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

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

Reason:To protect the environment.

83. Basement pump-out maintenance

Prior to issue of the Occupation Certificate for Stage 1, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

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

Reason:To protect the environment.

84. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate for Stage 1, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

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

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

Reason:To protect the environment.

85. Sydney Water Section 73 Compliance Certificate

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

Reason:Statutory requirement.

86. Certification of as-constructed driveway/carpark – RFB

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

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

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

87. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate for each Stage, and upon completion of all works on site which may cause damage to Council's infrastructure, the Principal 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 (Mona Vale Road for Stage 1 and Memorial Avenue for Stages 2 and 3) :

- 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.

88. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate for Stage 1, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the Mona Vale Road 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

89. 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.

90. 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.