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Contact: Natalie Piggott-Herridge

Ref: DA0489/12

3 July 2013

Abbotsleigh School
c/- Mr John Doran
Locked Bag 1666
WAHROONGA NSW 2076



Dear Sir

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION BY THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Issued under the Environmental Planning and Assessment Act 1979

Application No.: DA0489/12
Proposed Development: New multi purpose sports hall, car park and sports field - Abbotsleigh school - Heritage property
Property: 1670 Pacific Highway WAHROONGA NSW 2076

Pursuant to Section 80(3) of the Act and Clause 95 of the Environment Planning Assessment Regulation 2000, notice is given that the above development application, has been determined by the granting of deferred commencement development consent, subject to the conditions specified in this Notice.

Date of determination: 21/06/2013
Date from which consent operates: Deferred Commencement
Date consent lapses: 2 years and 1 day from date of completion of deferred commencement conditions

SCHEDULE A - Deferred commencement condition(s)

Evidence required to satisfy the following condition must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement condition has been satisfied:

1. Approval for trunk drainage works

Prior to the operation of the consent, the applicant shall obtain a resolution from Kuring-gai Council as the asset owner that it will consent to the relocation of the existing Council easement for drainage and underground pipe.



A full hydraulic design for the relocation of the pipe is to be prepared in accordance with the requirements of Chapter 9 of Council's DCP 47 Water Management and submitted to Council with the application and the relevant fees. The design must be suitable for construction.

Council's resolution is required for the relocation of the pipe and easement is to be obtained prior to the operation of the consent. Such approval is not guaranteed and conditions may be imposed including monetary incentives to extinguish and relocate easements.

Council's Team Leader Landscape Assessment will also inspect the plan to ensure that deep soil, tree retention and screen planting requirements are not compromised.

Reason: To protect the environment and Council's assets.

Upon receipt of written notification from Council that the abovementioned condition has been satisfied, the following conditions will apply:

SCHEDULE B - The standard conditions of consent are set out 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
DA1001 Site Plan	AJ+C	13/04/2013 Rev 8
DA1002 Site Analysis	AJ+C	26/11/2012 Rev 2
DA1005 Service Vehicles and Car Parking	AJ+C	09/05/2013 Rev 4
DA1202 Construction Traffic Management Plan	AJ+C	21/05/2013 Rev 6
DA1203 Construction Traffic Management Plan	AJ+C	21/05/2013 Rev 2
DA1204 Construction Traffic Management Plan Notes	AJ+C	21/05/2013 Rev 2
DA1205 B99 Percentile Car Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1206 B99 Percentile Car Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1207 6.4m Small Rigid Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1208 12.5m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2

DA1209 12.5m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1210 12.5m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1211 12.5m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1212 10.7m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1213 10.7m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1214 10.7m Construction Vehicle Swept Path	AJ+C	21/05/2013 Rev 2
DA1215 10.7m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1216 8.8m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1217 8.8m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1218 8.8m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA1219 8.8m Construction Vehicle Swept Paths	AJ+C	21/05/2013 Rev 2
DA2101 Level 1 and Level 2	AJ+C	13/04/2013 Rev 11
DA2102 Level 3	AJ+C	09/05/2013 Rev 13
DA2103 Level 4	AJ+C	07/03/2013 Rev 7
DA3101 North and South Elevations	AJ+C	26/11/2012 Rev 4
DA3102 East Elevation and West Elevation	AJ+C	26/11/2012 Rev 3
DA3201 Cross Sections	AJ+C	26/11/2012 Rev 6
DA4501 Material Board	AJ+C	23/11/2012 Rev 2
Landscape Plans		
DA- L000 Multipurpose Sports Hall Landscape Cover Sheet	Oculus	20/05/2013 Rev F
DA- L001 Multipurpose Sports Hall Landscape Site Plan	Oculus	20/05/2013 Rev F
DA- L100 Multipurpose Sports Hall Landscape Plan North	Oculus	20/05/2013 Rev E
DA- L101 Multipurpose Sports Hall Landscape Plan South	Oculus	20/05/2013 Rev E
DA- L200 Multipurpose Sports Hall Landscape Section	Oculus	12/03/2013 Rev C
DA- L400 Multipurpose Sports Hall Compensatory BGHF Tree Planting	Oculus	20/05/2013 Rev B
Civil Drawings		
C-0001 Cover Sheet and Drawing Index	BG&E	26/11/2012 Rev C
C-0002 Site Works Lower Level Plan	BG&E	07/03/2013 Rev D
C-0003 Site Works Upper Level Plan	BG&E	26/11/2012 Rev C
C-0004 Section & Details Sheet	BG&E	26/11/2012 Rev C

C-0005 Northern Driveway Detail Plan	BG&E	30/04/2013 Rev E
C - 0006 Sections Sheet 1	BG&E	07/03/2013 Rev A
Hydraulic Drawings		
SW-00 Hydraulic Services Cover Sheet and Legend	Harris Page & Associates	23/11/2012 Rev A
SW-01 Hydraulic Services MPSH Level 1 and Level 2	Harris Page & Associates	23/11/2012 Rev A
SW-02 Hydraulic Services MPSH Roof Plan and Detail Sheet	Harris Page & Associates	23/11/2012 Rev A
SW-03 Hydraulic Services Hockey Field Car Park Stormwater Drainage Layout	Harris Page & Associates	13/03/2013 Rev C
SW-04 Hydraulic Services Hockey Field Stormwater Drainage Layout	Harris Page & Associates	23/11/2012 Rev A
SW-05 Hydraulic Services Proposed Stormwater Diversion	Harris Page & Associates	01/03/2013 Rev P2
SW-06 Hydraulic Services Stormwater Long Section	Harris Page & Associates	

Document(s)	Dated
Supplementary Geotechnical Investigation by JK Geotechnics	23/11/2012
Development Impact Assessment Report by Earthscape Horticultural Services	November 2012
Vegetation Management Plan TEC Job NO. C2726-ABS	30 April 2013
Traffic Report by Colston Budd Hunt & Kafes Pty Ltd	May 2013

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.	Prepared by	Dated
DA-L000 Revision F	Oculus	20/05/13
DA-L001 Revision E	Oculus	13/03/13
DA-L100 Revision D	Oculus	12/03/13
DA-L101 Revision D	Oculus	12/03/13
DA-L200 Revision C	Oculus	12/03/13
DA-L400 Revision B	Oculus	20/05/13

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

4. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

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

5. Blue Gum High Forest canopy planting & offset works

Prior to the issue of the occupation certificate for the sports hall, the following canopy planting as shown on the approved Multipurpose Sports Hall Compensatory BGHF Tree Planting Plan listed below and endorsed with Council's stamp, shall be undertaken in accordance with the requirements of this condition:

Plan no.	Prepared by	Dated
DA-L400	Oculus	20/05/13 Rev B

All weed removal and planting works within A & B detailed within the approved Vegetation Management Plan listed below and endorsed with Council's stamp, in accordance with the requirements of this condition:

Plan no.	Prepared by	Dated
Vegetation Management Plan TEC Job NO. C2726-ABS	Total Earthcare	30 April 2013

All trees/plant material to be planted is to be of local provenance sourced from parent material within Ku-ring-gai or Hornsby LGA's. Trees are to be 45L in size. Evidence of works completed is to be provided in writing to Councils' Ecological Assessment Officer.

Reason: To ensure that Critically Endangered Blue Gum High Forest canopy & offset area are established.

6. 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.

7. Tree identification

Prior to works commencing the existing trees shall be numbered in accordance with the arborist report and/or the approved plans. Trees shall be clearly tagged with confirmation from the project arborist that all marked trees correspond with those shown on the approved plan.

Reason: To protect existing trees during the construction phase.

8. 'No Parking' restrictions

The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install 'No Parking' restrictions. Based on the swept paths diagram for

12.5 metre rigid truck, parking restrictions shall be provided at the following locations, to provide easy access by truck to/from the site:

1. Gate No.1 - 3 parking spaces on left side of the driveway (towards Pacific Highway)
2. Gate No.1- 3 parking spaces on the opposite side of the driveway
3. Gate No.2 - No parking restrictions requires on the school side
4. Gate No.2 - On the opposite side of the road, 3 parking spaces on either side of the driveway to the unit (total 6 parking spaces on the opposite side of the road).

For 'No Parking' restrictions to be approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

In the event the 'No Parking' restrictions are required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges prior to the extended period commencing.

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

9. 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.

10. 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.

11. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Ada Avenue over the site frontage, including the full intersection.

All driveway crossings and laybacks opposite the subject site.

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

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

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

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

12. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (TMP), which is to be approved prior to the commencement of any works on site. The plan is to consist of a report with Traffic Control Plans attached. The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The TMP applies to all persons associated with demolition, excavation and construction of the development.

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

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

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

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

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

The plan must be certified in writing by an arborist with a minimum AQF Level 5 qualification, that the plan complies with Section 4 of AS4970-2009 - Protection of trees on development sites

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

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

13. Work zone

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

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

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

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

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

14. Tree protection works for the sports field

To preserve all trees nominated for retention on the approved plans, no work shall commence until the tree protection zone is fenced off to prevent any activities, storage or the disposal of materials within the fenced area.

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

Plan no.	Prepared by	Dated
Appendix 7 - Tree Protection Plans	Earthscape Horticultural Services	23/11/12

The fence/s shall be maintained intact until the completion of all development work on site.

Reason: To protect existing trees during the construction phase.

15. Tree protection works for the multi-purpose hall

To preserve all trees nominated for retention on the approved plans, no work shall commence until the tree protection zone is fenced off to prevent any activities, storage or the disposal of materials within the fenced area.

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

Plan no.	Prepared by	Dated
Appendix 7 - Tree Protection Plans	Earthscape Horticultural Services	23/11/12

The fence/s shall be maintained intact until the completion of all development work on site.

Reason: To protect existing trees during the construction phase.

16. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

17. Tree protection signage

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

- Tree protection zone/No access
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground
- The name, address, and telephone number of the developer/builder and project arborist

Reason: To protect existing trees during the construction phase.

18. Tree protection measures inspection

Upon installation of the required tree protection measures, an inspection of the site by the project arborist and/or 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.

19. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

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

20. Travel Management

- (a) A travel management plan shall be provided dealing with entry and exist to and from the site, site parking, traffic circulation, collection and dropping off students on public streets within the area. Both the green travel plan and the travel management plan must be approved by Council's traffic engineer prior to the issue of the occupation certificate. Both of these documents are to be published and copies given to all parents.
- (b) Abbotsleigh College is to adopt a green travel plan for staff and Year 12 students that will encourage staff and Year 12 students to travel by public transport, car pooling / car sharing, cycling, walking and being dropped off as alternatives to driving. A green travel plan is to be developed in accordance with the principles identified by Transport for NSW and RMS and must be submitted to the satisfaction of Council's Traffic Engineer, prior to the issue of a Construction Certificate.

The green travel plan is to be implemented prior to the commencement of works.

Reason: Environmental sustainability and parking demand management.

21. Environmental site management plan

An Environmental Site Management Plan (ESMP) would need to be submitted prior to the issue of the construction certificate to include the following:

- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- an on-site parking area for employees, tradespersons and heavy construction vehicles.
- size of the heavy vehicles proposed for the excavation and construction phases including swept paths showing ingress and egress of construction vehicle leaving the site in a forward direction.
- show all tree protection fencing and sedimentation.

The plan must be certified in writing by an arborist with a minimum AQF Level 5 qualification, that the plan complies with Section 4 of AS4970-2009 - Protection of trees on development sites

The Principal Certifying Authority shall be satisfied that the environmental site management plan has been submitted as required by this condition.

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

22. Project arborist

A project arborist shall be commissioned prior to the release of the Construction Certificate to ensure all tree protection measures are carried out in accordance with the conditions of consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years' experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifying Authority with a copy to Council.

Reason: To ensure the protection of existing trees.

23. Amendments to approved stormwater plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved stormwater 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.	Prepared by	Dated
S12034 C-0002 Revision D	BG & E	07/03/13

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

- The plans shall note that the stormwater trenches within the specified distance of the trunks of T420, T422, T422a and T432 shall be dug by hand and no roots greater than 30mm in diameter shall be injured or severed.

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 qualified engineer shall be submitted to the Principal Certifying Authority with a copy to Council.

Reason: To ensure adequate landscaping of the site.

24. 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.	Prepared by	Dated
DA-L000 Revision F	Oculus	20/05/13
DA-L400 Revision B	Oculus	20/05/13

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

All of the compensatory tree planting shall be planted at a minimum 45 litres container size

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 Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

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.

25. Long service levy

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

Reason: Statutory requirement.

26. Builder's indemnity insurance

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

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$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.

27. Stormwater retention and detention

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

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

Reason: To protect the environment.

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. Landscape Plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a Landscape Architect or qualified Landscape Designer.

Note: The Landscape Plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

30. 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) LAeq15min above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm -6.00 am) when measured at the boundary of the site.

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

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

31. 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 Kuring-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.

32. Vehicular access grades

Prior to the issue of the Construction Certificate, longitudinal driveway section plans are to be prepared by a qualified civil/traffic engineer and submitted to and approved by the Certifying Authority. These profiles are to be at a recognised scale

along the shortest edge of the proposed driveway, starting from the centreline of the

frontage street carriageway through to the proposed parking stand. The traffic engineer must provide specific written certification on the plans that:

- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off- street car parking" - 2004 (refer clause 2.5.3) to prevent the scraping of the underside of vehicles
- maximum gradient of driveway does not exceed 25% (1 in 4).
- if a new driveway crossing is proposed in the road reserve, the longitudinal sections must incorporate the driveway crossing levels issued by Council under the terms of this consent

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

33. Drainage of paved areas

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

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

34. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 - 2004 "Off-Street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

35. Energy Australia requirements

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

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

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

36. 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.

37. Underground services

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

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

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

38. 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.

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

39. 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.

40. 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 and 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.

41. 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.

42. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

43. 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.

44. 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.

45. 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.

46. Post-construction dilapidation report

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

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

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

Reason: Management of records.

47. 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 Investigation Report dated 23 November 2012 Ref: 25676VTrpt2Wahroonga prepared by JK Geotechnics. 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.

48. Use of road or footpath

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

Reason: To ensure safety and amenity of the area.

49. Guarding excavations

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

Reason: To ensure public safety.

50. 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.

51. Protection of public places

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

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

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

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

Reason: To protect public places.

52. Certification of footings & excavation adjacent to easements

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

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

Reason: Safety.

53. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

54. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

55. 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.

56. 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.

57. 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.

58. 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.

59. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

60. Arborist's report

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the project arborist to the Principal Certifying Authority are required at the following times or phases of work including date, brief description of the works inspected, and any mitigation works prescribed.

All monitoring shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Tree/location	Time of inspection
All trees to be retained and tree protection measures in accordance with Appendix 7 of the Development Impact Assessment Report by Earthscape Horticultural Services dated November 2012	Inspections to be undertaken in accordance with Sections 12.2 & 12.3 of the Development Impact Assessment Report by Earthscape Horticultural Services dated November 2012. Weekly inspections are also required during landscape works

- All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

Reason: To ensure protection of existing trees.

61. Treatment of tree roots

If tree roots and branches 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 AQF Level 3 qualification. All root and branch pruning works shall be undertaken as specified in AS 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

62. Cutting of tree roots

Tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall not be severed or injured in the process of any works for the approved elevated walkway. All root pruning works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum AQF Level 3 qualification as specified in AS 4373-2007 - Pruning of Amenity Trees:

Tree/location	Radius in metres
T400g, T459, T460, T562, T565, T566, T568, T569	Within the designated tree protection zone indicated on the Tree Protection Plans (Appendix 7) of the Development Impact Assessment Report by Earthscape Horticultural Services dated November 2012.

Reason: To protect existing trees.

63. Approved tree works

Prior to works commencing the following works shall be undertaken to the specified trees;

- All trees are to be clearly tagged and identified as per the approved arborist report prior to the removal/pruning of any tree/s on site.
- Canopy and/or root pruning as specified in the following table shall be undertaken by an experienced Arborist/Horticulturist, with a minimum AQF Level 3 qualification
- All root or canopy pruning works shall be undertaken as specified in AS 4373-2007 - Pruning of Amenity Trees.
- All other branches where required shall be tied back and protected during construction, under the supervision of a qualified arborist

Tree/location	Approved Tree Works
T380, T382, T382a, T382b, T382c, T384, T384a, T383b, T835, T386, T396, T396b, T399, T400, T400a, T400b, T400c, T400d, T400e, T400f, T404, T404a, T405a, T405b, T411, T412b, T412d, T417, T417a, T417b, T417c, T417d, T417e, T417f, T417g, T417h, T417i, T418, T420a, T445, T484, T489, T503, T561f, T561g, T561h	Removal
T384d, T441, T444, T445, T450, T451, T453, T455, T456	Minor pruning required to clear roofline. Pruning to be carried out in accordance with Section 12.13 of the Development Impact Assessment Report by Earthscape Horticultural Services dated November 2012.

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

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

64. Excavation near trees

Excavations works within the tree protection zones of the following tree/s are to be carried out in accordance with Section 12.15 the Development Impact Assessment Report by Earthscape Horticultural Services, dated November 2012;

Tree/Location
All trees highlighted for special excavation protection measures as per the Tree Protection Plans (Appendix 7) of the Development Impact Assessment Report by Earthscape Horticultural Services dated November 2012. Note: T420 & T423 are also to be included.

Reason: To protect existing trees.

65. 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.

66. 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.

67. 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.

68. Removal of noxious plants & weeds

Prior to completion of building works all noxious and/or urban environmental weeds species as listed in Ku-ring-gai Council's Weed Management Policy shall be removed from the property.

Reason: To protect the environment.

69. 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:

70. Stormwater pipeline construction

The relocation of the Council stormwater pipeline is to be completed in accordance with the approved plans and any conditions imposed by Council. Works-as-executed drawings are to be prepared by a registered surveyor and the designing engineer is to certify that the works have been carried out in accordance with the design. Council's approval of the works is to be obtained

and submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To protect the environment.

71. Registration of drainage easement

Prior to issue of the Occupation Certificate, the applicant is to submit documentary evidence that the relocated easement has been registered on the title of the property. A registered surveyor is to certify that the pipe is wholly contained within the easement.

Reason: To maintain Council's access to the pipe for maintenance purposes.

72. Vegetation management plan (VMP)

Prior to the release of the Occupation Certificate the following works, as outlined below as detailed within the Vegetation Management Plan, prepared by Total Earthcare, dated 30 April 2013, are to be completed.

- All works detailed within the VMP pre-construction activities, plantings of compensatory canopy trees, weed control, revegetation, maintenance and monitoring are to be carried out in accordance with the VMP.
- Planting to be undertaken within the Blue Gum High Forest within the site are to be species characteristic of Blue Gum High Forest in accordance with the Vegetation Management Plan. All trees/plant material to be planted is to be of local provenance sourced from parent material within Ku-ring-gai or Hornsby LGA's.
- All noxious and environmental weeds are to be removed from the Blue Gum High Forest community within the site.
- All works within the Blue Gum High Forest community are to be conducted by a suitably qualified bush regenerator. The minimum qualifications minimum qualifications and experience (for bush regenerator) are a TAFE Certificate 2 in Bushland Regeneration and one year demonstrated experience (for other personnel).

Reason: To ensure the protection and enhancement of Blue Gum High Forest within the site.

73. Blue Gum High Forest canopy planting & offset works -Section 88b instrument

The Certifying Authority is to be provided with evidence of the creation of a restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the following Blue Gum High Forest Offset area (A, B, 2 & 4). The terms of restriction must state that any excavation, soil level changes or construction works are prohibited with the exception of works to be undertaken and outline in accordance with the plan below.

Plan no.	Prepared by	Dated
Vegetation Management Plan - TEC Job No. C2726- ABS	Total Earthcare	30 April 2013

Reason: To ensure that Critically Endangered Blue Gum High Forest offset areas are protected.

74. Mechanical ventilation

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

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

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

Reason: To protect the amenity of surrounding properties.

75. Completion of landscapeworks for the sports field

Prior to the issue of the Occupation Certificate for the sports field and associated car park, the Principal Certifying Authority is to be satisfied that all landscape works within planting zones 6, 7 & 8, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

76. Completion of landscapeworks for the multi-purpose hall

Prior to the issue of the Occupation Certificate for the multi-purpose hall and the associated car park, the Principal Certifying Authority is to be satisfied that all landscape works within planting zones 1, 2, 3, 4 & 5, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

77. Provision of copy of OSD designs if Council is not the PCA

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

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

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

78. Certification of drainage works

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

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

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

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

Reason: To protect the environment.

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

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

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

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

Reason: To protect the environment.

80. OSD positive covenant/restriction

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

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

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

Reason: To protect the environment.

81. CCTV report of pipe after work

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

Reason: To protect the environment.

82. Easement drainage line construction

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the required easement drainage system has been installed and surveyed under the supervision of a designing engineer or equivalent professional.

Note: At the completion of the drainage easement works, the following must be submitted to the Principal Certifying Authority for approval:

- details from the supervising engineer that the as-constructed works comply with the approved drainage easement design documentation

- a full works as executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and details from the surveyor that all drainage structures are wholly contained within existing drainage easement(s)

Reason: To protect the environment.

83. Infrastructure repair

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

Reason: To protect public infrastructure.

84. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied at all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2.

Note: Plans, specifications, reports and certifications of proposed mechanical exhaust/ventilation systems shall be submitted to the Principal Certifying Authority for consideration and approval at the Construction Certificate stage.

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

85. Fire safety certificate

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

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

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

86. Staging of trunk drainage works

Staging of trunk drainage diversion works must take place in the following sequence:

1. Ku-ring-gai Council approves through resolution the relocation of the Council drainage easement through the site (in accordance with schedule A condition).
2. Plans for the relocation of the pipeline are approved (under Schedule A) and stamped by Council's Director Operations prior to commencement of any works within site (except demolition) and prior to issue of the Construction Certificate by the Principal Certifying Authority. Plan assessment and inspection fees paid to Council.
3. The new pipeline is installed by the Applicant in accordance with the approved drawings and any conditions required by Council and in conjunction with basement excavation works. A flowpath through the site is maintained during pipe laying works.
4. The redundant Council drainage line is decommissioned and the new drainage line made operative.

Reason: To control stormwater and protect the environment.

87. Noise Criteria - multipurpose sports hall and sports field

Noise levels emitted from the multipurpose sports hall and playing field shall not exceed the background (LA90) level by more than 5dBA when measured at the boundary of any residential property. The source noise is to be assessed as a LAeq, 15min and include any correction for the character of the sound as identified in Table 4.1 of the EPA Industrial Noise Policy. The background (LA90, 15 min) level to be determined without the source noise present.

Reason: To protect the amenity of surrounding properties.

88. Acoustic monitoring

Attended acoustic monitoring by a qualified acoustic consultant shall be conducted on at least two occasions during use of the Multi-purpose sports hall and playing fields in the first year of operation and with an initial assessment within six months of occupation to ensure compliance with the external noise criteria. The monitoring is to occur with no prior notice to the users of the facilities.

Should the acoustic monitoring identify breaches of the noise criteria, a report is to be prepared identifying further noise attenuation or management measures necessary to achieve compliance and additional monitoring will be required after installation/implementation of the recommendations to ensure compliance is achieved.

Reason: To protect the amenity of surrounding properties.

89. Signage

Signage shall be prominently displayed at all exit locations within the car park areas with wording to the effect of reminding patrons to leave the premises in a quiet and orderly manner.

Reason: To protect the amenity of surrounding properties.

90. No sale of alcohol

No sale or consumption of alcohol is to occur in association with any events or activities in the multi-purpose sports hall and sports field.

Reason: To protect the amenity of surrounding properties.

91. Carpark

The floor surface of the basement and undercroft car parking areas shall be treated to eliminate vehicle tyre screech. Noise associated with security/ access gates to the carpark area must not be audible, when assessed at the property boundary.

92. Noise management plan

A noise management plan is to be prepared which will contain all measures necessary to meet the noise criteria in conditions 30, 87 and 95 of this consent. It must be approved by Council's Manager, Development Services prior to issue of any occupation certificate.

A copy of the acoustic management plan shall be kept on the premises management procedures and action that can be taken to minimise noise impacts to surrounding residents and is to incorporate;

- a) the hours of access/use of the multipurpose playing court, underground car park and waste collection services
- b) procedures for the documentation of noise related complaints and including provisions for further acoustic monitoring and/or any modifications to the acoustic management plan where necessary.
- c) a staff training component detailing how staff should monitor the external areas to the buildings in particular after normal school hours to ensure noise impacts to neighbours are limited.

The requirements of the acoustic management plan are to be complied with at all times.

Reason: To protect the amenity of surrounding properties.

93. Roads and Maritime Services conditions

1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
2. To ensure the safety of children and the smooth flow of traffic on the road network during peak traffic periods, no heavy vehicle movements are to occur during AM and PM traffic periods, school zone periods, or during Saturday sport activities held at the school.
3. A Construction Traffic Management Plan (TMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and RMS for approval prior to the issue of the Construction Certificate. The TMP must detail the traffic impact of the construction works on the local area and the means proposed to manage construction works to minimise such impacts. In particular, the report must consider the impact on any on-street parking during construction, the movement of trucks to and from the site, the location of any site sheds, and the use of any cranes and concrete pumps.

Reason: To ensure compliance with Roads and Maritime Services requirements

94. 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.

Lighting of the sports field shall not extend past 9.00pm.

Reason: To protect the amenity of surrounding properties.

95. Noise control - plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit during the daytime hours of 7am to 10pm Monday to Friday and 8am to 10pm Saturday, Sunday and public holidays, shall emit a noise level of not greater than 5db(A) LAeq15min above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

96. Hours of operation

The hours of operation for the multi-purpose sports hall and sports field are restricted to:

7.00am to 6.00pm with all people to be vacated by 6.30pm	
Saturday	7.00am to 1.00pm
Sunday and public holidays	No permitted use

Commercial use is not permitted for the multi-purpose sports hall and sports field. These hours may be varied to allow use by Abbotsleigh School only in accordance with a plan of management to be prepared by the school and approved by Council's Manager, Development Services.

Reason: To protect the amenity of the area while allowing ongoing school operation.

97. Special events

Use of the multi purpose hall up to 9.00pm may be permitted up to three (3) occasions throughout the school year to accommodate larger ceremonies. Notification of events is to be carried out to surrounding residents and any event is to be carried out in accordance with acoustic advice to minimize the impacts.

Reason: To accommodate additional events and protect the amenity of the area.

98. Sports field car park

The parking for the aquatic centre and student drop off and pick up shall be provided in accordance with approved plan number DA1005 rev 4. Staff and visitor parking shall be provided under the multi-purpose sports hall.

Reason: To ensure parking provision are in accordance with the determination.

Reasons for conditions

To safeguard amenity of the locality

Other approvals

This consent does not include any other approvals granted under Section 78A(5) of the Environmental Planning and Assessment Act 1979.

Right of appeal

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months of the date on which you receive this Notice.

Advisory Notes:

- a) Council is always prepared to discuss its decisions and in this regard please do not hesitate to contact Natalie Piggott-Herridge on telephone 9424 0000.
- b) Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing on the S.82A Review application form (refer Council's website or customer service centre) within six (6) months of receipt of this Notice of Determination, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request. There is no right of review under S82A of the Act in respect of Designated or Integrated Development.
- c) Changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use may require the submission of a modification under Section 96 of the Environmental Planning and Assessment Act 1979. Any proposed modifications to the development consent must result in a development that is substantially the same development as that which was originally approved. It is recommended that the applicant discuss any request for a review of determination with Council staff before lodging such a request.
- d) You attention is drawn to the necessity to:

Obtain a *Construction Certificate* under Section 109(1)(b) of the Environmental Planning and Assessment Act 1979 in respect of the development consent.

An application for a Construction Certificate may be lodged with Council. Alternatively you may apply to an accredited certifier.

All building work must be carried out fully in accordance with the conditions of the development consent and it is an offence to carry out unauthorised building work that is not in accordance with Council's approval.

An offence under the Environmental Planning and Assessment Act 1979 and Regulations is subject to a penalty up to \$110,000 and \$11,000, respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require the building to be erected fully in accordance with the development consent.

On the spot penalties will be imposed for works which are carried out in breach of this consent, or without consent.

A Section 96 application is required to be submitted to and approved by Council and a Construction Certificate is to be obtained from the Council or an Accredited Certifier, prior to commencement of any variations from the approved plans and conditions of consent.



Signature on behalf of consent authority
Team Leader
Development Assessment

