

<b>WITHOUT PREJUDICE CONDITIONS</b>
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To:  
From: Jonathan Goodwill  
Re: DA0418/15 / 2015SYW189  
Proposal: Demolish structures (except dwelling at 25 Bushlands Avenue) and construct a residential aged care facility, basement parking and landscaping works under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.  
Property 25, 25A and 27 Bushlands Avenue GORDON NSW 2072

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

**SCHEDULE A - Deferred commencement condition – Terms to be satisfied prior to the consent becoming operable**

The following deferred commencement terms must be complied with to the satisfaction of Council within 24 months of the date of issue of this deferred commencement consent:

**Vegetation Management Plan**

A Vegetation Management Plan (VMP) is to be prepared and submitted to Council for assessment. The VMP is to be prepared for the management of the protection of the endangered Sydney Turpentine Ironbark Forest ecological community.

The VMP must be prepared by an appropriately qualified professional. The VMP shall address revegetation, weed removal, weed techniques, environmental protection measures, proposed planting, habitat values, threats and ameliorative measures to ensure protection and enhancement of the onsite Sydney Turpentine Ironbark Forest.

The plan must be in accordance with the Australian Association of Bush Regenerators Guidelines or NSW TAFE Bush Regenerators Certificate Course Guidelines. The primary objective of the plan is weed management, re-vegetation

of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna. The VMP shall have a duration of at least 3 years.

**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:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
1506 / DA 01 Amendment 16	Boffa Robertson Group	29/05/2017
1506 / DA 02 Amendment 17	Boffa Robertson Group	29/05/2017
1506 / DA 03 Amendment 11	Boffa Robertson Group	29/05/2017
1506 / DA 04 Amendment 19	Boffa Robertson Group	29/05/2017
1506 / DA 05 Amendment 16	Boffa Robertson Group	29/05/2017
1506 / DA 06 Amendment 12	Boffa Robertson Group	29/05/2017
1506 / DA 07 Amendment 13	Boffa Robertson Group	29/05/2017
1506 / DA 08 Amendment 14	Boffa Robertson Group	29/05/2017
1506 / DA 09 Amendment 3	Boffa Robertson Group	29/05/2017
1506 / DA 10	Boffa Robertson Group	29/05/2017

Amendment 2		
01466_100 Revision 01	C & M Consulting Engineers	23/09/2016
01466_201 Revision 02	C & M Consulting Engineers	23/09/2016
01466_601 Revision 02	C & M Consulting Engineers	23/09/2016
01466_621 Revision 02	C & M Consulting Engineers	23/09/2016
01466_701 Revision 01	C & M Consulting Engineers	23/09/2016
01466_702 Revision 02	C & M Consulting Engineers	23/09/2016
aiatp1.01 Revision 0.3	Footprint Green	23/09/2016

<b>Document(s)</b>	<b>Dated</b>
Acoustic Review for Development Application – prepared by ARUP	11/10/2017
Waste Management Plan - Construction	undated
DA Access Audit prepared by Independent Living Centre NSW	21/09/2015
Geotechnical Investigation prepared by JK Geotechnics	22/09/2015
Conservation Management Plan prepared by CCG Architects	6/11/2015
Stormwater Management Plan prepared by C & M Consulting Engineers Revision B	September 2016
Plan of Management Prepared by Evolution Planning	May 2017
Green Star Report prepared by Application Solutions	29/05/2017
Vegetation Management Plan required by deferred commencement condition	Subject to resolution of deferred commencement terms

**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:

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
100 Issue O	Site Image	25/05/2017
502 Issue A	Site Image	25/05/2017

**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. Asbestos works**

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

**Reason:** To ensure public safety

### **6. Project arborist**

A suitably qualified project arborist (AQF level 5) is to be engaged to advise the Principal Certifying Authority on the protection of trees at the site and to supervise the installation and maintenance of tree protection measures required by this consent.

Prior to the commencement of any works including demolition on the site in areas required to be protected by this consent, the project arborist shall inspect the site and satisfy himself/herself that the protection measures are in accordance with the approved design and must provide a written certification to the Principal Certifying Authority to that effect.

If not satisfied, the project arborist must provide to the Principal Certifying Authority a list of works that are to be completed to ensure compliance with all conditions of consent relating to the protection of trees at the site. Those works must be undertaken to the satisfaction of the project arborist.

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

### **7. 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.

## **8. 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 license number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

## **9. 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 Bushlands Avenue from the Pacific Highway intersection to the western end of the site frontage.
- 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.

#### **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:

- 23 and 29 Bushlands Avenue
- the residence to be retained at 25 Bushlands Avenue

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. Structural adequacy (alterations and additions)**

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of 25 Bushlands Avenue to be retained and/or altered will be structurally sound and able to withstand the excavation, demolition and construction process.

**Note:** Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

**Reason:** To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

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

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



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

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

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

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

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

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

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

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.

### **13. Work zone**

Prior to commencement of any works on site, the applicant must apply for a Works Zone along the site frontage and a No Stopping (or No Parking) during construction hours opposite the site in Bushlands Avenue. The implementation of these restrictions will be subject to the approval of the Kuring-gai Local Traffic Committee and payment of fees.

No loading or unloading must be undertaken from the public road or nature strip unless within a Works Zone which has been approved and paid for.

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. 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". Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

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

### **15. Tree protection fencing**

To preserve the existing tree/s that are to be retained, no work shall commence until the area beneath their canopy is fenced off as shown on approved tree protection plans as amended per other conditions, 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.

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

## **16. 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.

## **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.

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

Prior to the commencement of any works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifying Authority. The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Environment Protection Authority 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 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 surrounding occupants 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.

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

### **19. Green Star Certification – Construction Certificate Stage**

Prior to the issue of the Construction Certificate, the Certifying Authority is to be satisfied that the following documentation has been submitted with the application for Construction Certificate:

- i. An updated Credit Summary and ESD Report describing elements/systems incorporated to achieve the nominated (or higher) Green Star rating;
- ii. A Checklist Table of each ESD system/element (refer to Part 23R.3 of the DCP for an example of a Checklist);
- iii. Annotated Construction Certificate Drawings clearly indicating elements/systems described in the ESD Report including the requirements of Control 1 in Part 23.2 of the DCP;

iv. A copy of the letter and invoices from the GBCA to the applicant, confirming the project is registered and will progress in assessment of the 'As Built' component of the Green Star - Design and As Built Certification.

**Reason:** To ensure compliance with Part 23.2 Green Buildings of the Development Control Plan.

## **20. Consolidation of lots**

Prior to the issue of the Construction Certificate the existing lots (Lots 2, 3 and 4 in DP 578395) are to be consolidated into a single lot. Evidence of the consolidation, in the form of a plan registered with Land and Property Information, is to be submitted to the Certifying Authority with the application for Construction Certificate.

**Reason:** To ensure that development is carried out in an orderly manner.

## **21. Tanked basement design**

Prior to the issue of the Construction Certificate, the Certifying Authority is to be satisfied that the basement has been designed to be waterproof (tanked) as required under Part 22.3-4 of Ku-ring-gai DCP and as per Section 4.10.1 of the Statement of Environmental Effects by Evolution Planning.

**Reason:** To protect the environment.

## **22. Project ecologist/Bush regenerator**

A Project ecologist/Bush regenerator shall be commissioned prior to the release of the construction Certificate to ensure all bushland/environmental protection measures are carried out in accordance with the conditions of consent and the approved vegetation management plan.

The Project ecologist/Bush regenerator shall have a minimum qualification of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration. He/she shall have at least 4 years experience in the management of native bushland in the Sydney region. 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 biodiversity values of the site

### **23. Nest Boxes**

Prior to works commencing nine nest boxes comprising of 3 small mammal, 3 microbat & 3 medium mammal, shall be installed within the retained trees within the site. The nest boxes shall be constructed of durable wood material (marine ply) and installed at a minimum height of 6 metres from the ground and positioned under the direction of a qualified ecologist.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and a wildlife licence under section 132C of the *National Parks and Wildlife Act 1974* issued by the Office of Environment and Heritage.

**Reason:** To ensure protection of fauna species.

### **24. Fauna Protection**

Prior to works commencing and/or tree removal works a qualified ecologist shall investigate all trees for fauna occupation. In accordance with appropriate licensing requirements the ecologist shall supervise the relocation of any fauna found within the trees approved for removal.

The qualified ecologist must hold an Animal Ethics Permit from the Office of Environment & Heritage and a wildlife licence under section 132C of the

National Parks and Wildlife Act 1974 issued by the Office of Environment and Heritage.

Evidence of engagement of the qualified ecologist and the required licensing must be provided to the Private Certifying Authority with a copy to Council prior to the trees being removed.

**Reason:** To ensure protection of fauna species.

## **25. Roller shutter to basement**

The plans submitted with the application for construction certificate shall reduce the height of the roller shutter so that the opening is no higher than the ceiling height of the basement.

**Reason:** To ensure that the height of the roller shutter is reduced and better relates to the character of the Bushlands Avenue streetscape.

## **26. Amendments to approved tree protection plans**

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

<b><i>Plan no.</i></b>	<b><i>Title</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
aiatp1.01 0.3	Revision Tree protection fencing prior to and during demolition Tree protection fencing during construction	Footprint Green	23/09/16

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

1. Tree protection fencing is to be shown to the entire tree protection zone of Tree 30 during demolition.



2. Tree protection fencing is to be provided to Trees 9, 41, 42 and 43
3. Ground protection is to be provided during construction within canopy area of Trees 26, 27, 30, 50 and 59.

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

Note: An amended tree protection plan/s shall be submitted to the Certifying Authority.

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

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

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

<b><i>Plan no.</i></b>	<b><i>Title</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
100 Rev O	Landscape Master Plan	Site Image	4/10/16
502 Rev A	'Citygreen' Tree Pit system	Site Image	25/05/17

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

1. To ensure long term viability of the proposed *Angophora costata* (Sydney Red Gum) within the proposed courtyard at the rear of the heritage residence, a minimum 5 metre setback from buildings is recommended. The *Tristania* plantings are to be removed to provide space for greater setbacks for the two (2) canopy trees. Alternatively, one (1) canopy tree at the rear of the heritage dwelling centrally located as a specimen within a slightly larger rectangle of garden would achieve the desired visual outcomes.

2. The Tree Pit Detail is to be amended as follows,
  - a) The proposed root barrier as part of the tree pit is to be deleted on the western side and beneath the planter. The proposed drainage medium is to be set down lower and associated to achieve minimum soil volumes to support proposed large canopy tree plantings (refer Control 7(i) Part 23.5, KDCP in regards to soil volumes of large trees on slab).
  - b) Crushed granite is unsuitable for locally occurring vegetation and is to be substituted with drainage cells.
3. The proposed planting is to be identified on a legible landscape plan. The landscape plan must clearly identify the location, species and quantities of planting in association with the proposed development.
4. The proposed planting of Waterhousea adjacent T14/ Cedrus deodar (Himalayan Cedar) is superfluous to the existing screen planting and is to be deleted.
5. Existing levels are to be shown including spot levels at the base of trees to be retained.
6. The proposed levels of external areas including terraces and paths are to be provided. Top of walls are also to be provided.
7. The landscape plan is to reflect the recommendations of the approved Vegetation Management Plan including the Bushland Restoration Zone along the northern boundary.

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

Note: An amended landscape plan shall be submitted to the Certifying Authority.

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

## 28. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
01466-201	C and M Consulting Engineers	27/08/15

The above engineering plan(s) shall be amended as follows:

1. To preserve the health of existing vegetation within the heritage item including Tree 14, the proposed pipe from the 50kL rainwater tank is to be relocated around the rear of the dwelling at No. 25 Bushlands Avenue and connect to Pit A/2 within the existing driveway on the western side of the dwelling. Pit A/3 and A/4 are to be deleted.

**Note:** An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifying Authority.

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

## 29. 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.

### **30. 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.

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

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

detailed in an amended development (S96) application and submitted to Council for determination.

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

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

### **32. 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.

### **33. Acoustic Report - Residential Area**

Detailed review of all noise generating mechanical equipment and plant including, but not limited to car park/kitchen/garbage/laundry room exhaust, roller shutter doors, air conditioners and lifts proposed as part of the development should be undertaken by an accredited acoustic consultant once plant selections and locations are finalised. The acoustic review report should

be submitted to the Certifying Authority prior to release of the Construction Certificate and include confirmation that the equipment/plant can meet the noise control requirements of the development consent. The review should include all details of required building design or acoustic treatments which are necessary to control plant noise emissions. The review shall address all issues identified in the Acoustic Review prepared by ARUP listed in condition 1 of the development consent.

**Reason:** Protect acoustic amenity of the area.

### **34. 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.

### **35. Basement car parking details**

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"
- 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. Design of works in public road (Roads Act approval)**

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

- 375mm diameter reinforced concrete pipe and new pits to connect the site stormwater management system to the existing kerb inlet pit in Bushlands Avenue

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.



### **37. Utility provider requirements**

Prior to issue of the Construction Certificate, all relevant utility providers whose services will be impacted upon by the development are to be contacted. 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.

### **38. Design of food preparation and storage areas**

Plans and specifications complying with the requirements of the Food Act and Regulations, Australian Standard AS 4674 2004, AS 1668 Parts 1 and 2 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. Plans and specifications shall include the following:

- floor plans, showing the layout of the fixtures and fittings, bulk food storage and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- coolroom construction
- grease trap
- all proposed mechanical ventilation systems
- staff facilities

**Reason:** To ensure compliance with standards for food premises.

### **39. Acoustic Fence**

The acoustic fence recommended in the ARUP Review shall be located on top of the western driveway retaining wall and shall have a height of 1.6m transitioning down to a height of 1.2m at the front boundary from a point 3m from the front boundary. The acoustic fence must have a critical mass of no less than 15 kg/m<sup>2</sup>, which can be achieved with a range of materials, including aerated concrete (ie Hebel), fibre-cement sheeting and/or polycarbonate for example. The fence shall be of solid non-transparent material for the lower 1.2m with a transparent material, such as polycarbonate, used from 1.2m to 1.6m. The construction and detailing of the fence shall be reviewed by an acoustic consultant during the design development and certified prior to issue of the construction certificate. The acoustic fence shall be screened by additional landscaping to the west of the structure and the approved landscaping plan shall be appropriately revised prior to the issue of a Construction Certificate. Details of the acoustic fence, in accordance with this condition; an amended landscaping plan; and, certification from an acoustic engineer must be provided to the Certifying Authority with the application for Construction Certificate.

**Reason:** To minimise noise impacts from the development.

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

**40. Privacy measures**

1. The east facing window to the first floor level tea/activity room on the southern end of the eastern elevation is to have a minimum sill height of 1500mm above the finished floor level of the tea/activity room.
2. In addition to any privacy screens shown on the approved plans, all the east facing first floor windows opposite the rear wing of No. 29 Bushlands Avenue shall have privacy screens.

All privacy screens are to be constructed of a durable material such as corrosion resistant metal, have a minimum height of 1500mm above the finished floor level of the room and comply with the following requirements:

- (i) have no individual opening more than 30mm wide; and
- (ii) have a total area of all openings that is no more than 30% of the surface area of the screen or barrier.

Plans which demonstrate compliance with this condition are to be submitted with the application for construction certificate.

**Reason:** To prevent unreasonable overlooking.

#### **41. Infrastructure damage security bond and inspection fee**

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

- (a) All work or activity undertaken pursuant to this development consent 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 consent 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 damage security bond and infrastructure inspection fee must be paid to 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 damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will 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 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 damage security bond 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 damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as 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:**

### **42. 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.

### 43. Prescribed conditions

The development 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
- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.

**Reason:** Statutory requirement.

### 44. Hours of work

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

Excavation using machinery must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No excavation using machinery is to occur on Saturdays, Sundays or public holidays.

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.

#### **45. Vibration**

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

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

#### **46. 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.

#### **47. Engineering fees**

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

**Reason:** To protect public infrastructure.

#### **48. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines and the recommendations of the approved noise and vibration management plan.

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

#### **49. 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.

## **50. 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.

### **51. 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 **JK Geotechnics dated 23 September 2015**. 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.

### **52. 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 **JK Geotechnics dated 23 September 2015**. Approval must be obtained from all affected property owners, including Kuring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Water NSW/ DPI Water may have requirements for licencing of construction stage dewatering.

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

### **53. 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.

### **54. 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.

### **55. 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.

## **56. 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.

## **57. Construction signage**

All construction signs must comply with the following requirements:

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

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

## **58. 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.

### **59. 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.

### **60. 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.

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

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

**Reason:** Statutory requirement.

#### **64. Arborist's report**

All trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 and Arboricultural Assessment, prepared by Footprint Green, dated September 2016, 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 during all works within the canopy spread of all existing trees on site and overhanging from adjoining sites, 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.

- 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.

#### **65. Canopy/root pruning**

Canopy and/or root pruning of the following tree/s shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

#### **Schedule**

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

Tree 38/ *Macadamia tetraphylla*  
(*Macadamia*) located at the northeast  
corner of the site

##### **Tree works**

Minor canopy pruning for clearance  
to outdoor area

**Reason:** To protect the environment.

## 66. 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.

## 67. Hand excavation

All excavation excluding for approved basement within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

### Schedule

Tree/Location	Radius from trunk
Tree 1/ <i>Arbutus unedo</i> (Irish Strawberry Tree)/ located at the southeast corner of the site	6.5m
Tree 2/ <i>Franklinia axillaris</i> (Gordonia)/ located at the southeast corner of the site	3.5m
Tree 6/ <i>Franklinia axillaris</i> (Gordonia)/ located on the front southern boundary of the site	5.0m
Tree 6.1 / <i>Ilex aquifolium</i> (Holly)/ located on the front southern boundary of the site	5.0m
Tree 7 / <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Cripps Cypress)/ located on the front southern boundary of the site	5.5m
Tree 8 / <i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Cripps Cypress)/ located on the front southern boundary of the site	5.5m
Trees 1.1, 3, 8.1, 11, 12, 12.1, 42, 43, 76, 76.1, 77, 78, 98, 99-101, 101.1, 101.2, 104.1	2.4m



Tree 14/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback on the eastern boundary	12.0m
Tree 26/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) located on the northern boundary.	4.5m
Tree 27/ <i>Angophora costata</i> (Sydney Red Gum) located on the northern boundary.	4.0m
Tree 29/ <i>Eucalyptus sp.</i> located at the northeast corner of the site	4.0m
Tree 38/ <i>Macadamia tetraphylla</i> ( <i>Macadamia</i> ) located at the northeast corner of the site	4.8m
Tree 30/ <i>Eucalyptus pilularis</i> (Blackbutt) located at the northeast corner of the site	11.0m
Tree 50/ <i>Syncarpia glomulifera</i> ( <i>Turpentine</i> ) located at the centre of the site	11.5m
Tree 59/ <i>Syncarpia glomulifera</i> ( <i>Turpentine</i> ) located at the centre of the site	10.5m
Tree 70/ <i>Pinus pinaster</i> ( <i>Maritime Pine</i> ) located at the centre of the site	10.5m
Tree 124/ <i>Eucalyptus pilularis</i> ( <i>Blackbutt</i> ) located at the centre of the site	15.0m

**Reason:** To protect existing trees.

## **68. 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.

## **69. 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.

#### **70. 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.

#### **71. 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:**

#### **72. Parking restrictions**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that the applicant has made an application to

Council for a permanent No Stopping restriction opposite the site and on either side of the entry driveway to facilitate the entry and exit of the community bus and the waste collection vehicle, and that any approved signage has been installed.

**Reason:** To allow for access by the types of vehicles required to service the development.

### **73. Garbage and recycling facilities**

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the waste storage area has been installed, is of a size to adequately contain the waste bins, has rendered internal walls that are coved at the floor/wall intersection, has a floor that is graded and drained to the sewer and is provided with a tap with hot and cold water to facilitate cleaning.

**Reason:** To protect residential and environmental amenity.

### **74. Plant and Machinery Noise Control - Residential area**

Prior to release of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all noise generating equipment associated with the use of the premises including but not limited to air conditioning systems, mechanical exhaust and ventilation systems, lift motors, roller shutter motors and the like does not exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the boundary of the nearest affected residence and shall not be audible between 10pm and 7am in a habitable room of a residential premises.

**Note:** Written confirmation from a suitably qualified acoustic consultant that the development achieves compliance with the noise criteria is to be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

## **75. Construction of food preparation and storage areas**

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the construction of the premises is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 *Food Premises and Equipment* and Australian Standard 4674-2004 *Design, Construction and Fit-out of Food Premises*.

**Reason:** To ensure compliance with standards for food premises.

## **76. Waste arrangements**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that a contract or contracts is/ are in place for the collection of all waste from the waste storage area in the basement.

**Reason:** To prevent pollution of the environment and to protect the amenity of the area.

## **77. 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 ventilation systems complies with:
  - The Building Code of Australia
  - Australian Standard AS1668
  - Australian Standard AS3666 where applicable

**Reason:** To protect the health and amenity of occupants.

## **78. Completion of landscape works**

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

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

## **79. 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.

## **80. 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 Ku-ring-gai Development Control Plan have been achieved
- retained water is connected and available for use
- 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

**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.

### **81. WAE plans for stormwater management and disposal**

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.

## **82. 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 Part 24R.8 of Ku-ring-gai DCP). 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.

### **83. Sydney Turpentine Ironbark Forest protection - Section 88B instrument**

Prior to release of the Occupation Certificate, a positive covenant and restriction on the use of land are to be created under Section 88B of the Conveyancing Act 1919, burdening the land with the requirement to maintain the endangered ecological community Sydney Turpentine Ironbark Forest community as identified in the approved Vegetation management plan in perpetuity in accordance with the approved Vegetation management plan, Council is to be named as the authority to release, vary or modify the burdens.

**Reason:** To protect the area of biodiversity significance which contains Sydney Turpentine Ironbark Forest.

### **84. 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.

### **85. Certification of as-constructed driveway/carpark**

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" and the Seniors Living State Environment Planning Policy in terms of minimum



parking space dimensions

- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- the vehicular headroom requirements of:
  - Australian Standard 2890.1 - "Off-street car parking",
  - The Seniors Living SEPP (as last amended) for accessible parking spaces,

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.

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

Prior to issue of the Occupation Certificate, 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:

- 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.

### **87. Construction of works in public road - approved plans**

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

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

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

attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

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

### **88. Restriction on land title - seniors living development**

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that restriction as to use of land under Section 88E of the Conveyancing Act 1919, has been created restricting the occupation of the premises to:

- people 55 or over or people who have a disability
- people who live with people 55 or over or people who have a disability
- staff employed to assist in the administration of and provision of services to housing provided in this development

**Reason:** To ensure that the development meets the provisions of the Seniors Living SEPP.

### **89. Green Star Rating – Occupation Certificate Stage**

Prior to the release of the Occupation Certificate the certifying authority is to be satisfied that a copy of the Green Building Council of Australia Green Star Design & As Built Certification has been submitted to Council.

**Reason:** To ensure compliance with Part 23.2 Green Buildings of the DCP.

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

### **90. Waste storage and collection**

At all times, all storage of waste, collection of waste, and loading and unloading of waste collection vehicles in connection with the use of the

premises shall be wholly within the basement. Occupiers of the building shall not at any time store waste collection receptacles or any form of waste external to the building/ basement.

**Reason:** To prevent pollution of the environment, ensure safe traffic movement and to protect the amenity of the area.

### **91. Waste collection contractor**

Prior to the issue of an Occupation Certificate, the applicant must submit to Council and the Principal Certifying Authority details of the waste contractor engaged to service the building. These details are to include name, contact phone number, copy of the waste collection contract, and details of the vehicle that will be used to service waste collection for the building.

**Reason:** To ensure safe traffic movement and neighbourhood amenity.

### **92. Noise control - plant and machinery**

All noise generating equipment associated with the use of the premises and including, but not limited to mechanical exhaust ventilation systems, air conditioning, roller shutter doors and lift motors must not exceed the background noise level by more than 5 decibels between 7am and 10pm when measured at the boundary of the nearest affected residence and must not be audible between 10pm and 7am in a habitable room of a residential premises.

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

### **93. Plan of Management**

At all times the facility shall be operated in accordance with the approved Plan of Management listed in Condition No. 1. At the discretion of the consent authority written requests for minor changes to the plan of management without the submission of a section 96 modification application

may be considered on a case by case basis. Material changes to the Plan of Management will require the approval of a section 96 modification application.

**Reason:** To ensure that the operation of the facility is consistent with the application documentation and has minimal impacts on the amenity of the area.

#### **94. Restriction on the use of the community bus**

The community bus shall not travel up the basement ramp between the hours of 10.15pm and 6.45am.

**Reason:** To ensure that the use of the community bus does not have a negative impact on adjacent and nearby dwellings.

#### **95. Restriction on the use of non-emergency vehicles**

Non-emergency vehicles shall not travel up the basement ramp between the hours of 11pm and 6am.

**Reason:** To ensure that the use of the car park by non-emergency vehicles does not have a negative impact on adjacent and nearby dwellings.