

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
ar-cv00 Rev A02	DEM	7/06/2017
ar-1001 Rev A03	DEM	2/06/2017
ar-1002 Rev A03	DEM	2/06/2017
ar-2100 Rev A02	DEM	29/05/2017
ar-2200 Rev A01	DEM	22/12/2016
ar-3000 Rev A04	DEM	30/05/2017
ar-3001 Rev A01	DEM	22/12/2016
ar-3002 Rev A01	DEM	22/12/2016
la-0201 Rev A04	DEM	30/06/2017
la-0601 Rev A04	DEM	30/6/2017
la-0610 Rev A01	DEM	7/06/2017
la-0611 Rev A03	DEM	30/06/2017
la-0701 Rev A04	DEM	30/6/2017
la-2301 Rev A01	DEM	7/6/2017
la-8901 Rev A03	DEM	30/6/2017
la-2301 Rev A0a	DEM	7/6/2017
Ar-5001 Rev A02	DEM	10/03/2017

Document(s)	Dated
Construction Traffic and Pedestrian Management Plan requirements prepared by Traffix	undated
Waste Management Plan	22/12/2016
Accessibility Review - Development Application prepared by Philip Chun	19/12/2016
DA Acoustic Assessment prepared by Acoustic Logic Revision 7	22/03/2017
Geotechnical & Hydrogeological Investigation prepared by Assetgeo	28/11/2016
Structural Design Brief prepared by Robert Bird Group Issue P2	7/6/2017
Civil Design Report prepared by Robert Bird Group Issue B	7/6/2017
Building Devices Design Brief prepared by Norman Disney & Young	19/12/2016

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:

<i>Plan no.</i>	<i>Title</i>	<i>Drawn by</i>	<i>Dated</i>
la-0201 Rev A04	Landscape Site Plan	DEM	30/06/17
la-0601 Rev A04	Landscape Hardworks Plan	DEM	30/06/17
la-0610 Rev A01	Landscape Hardworks Plan Sheet 1	DEM	7/06/17
la-0611 Rev A03	Landscape Hardworks Plan Sheet 2	DEM	30/06/17
la-0701 Rev A04	Landscape Softworks Plan	DEM	30/06/17

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

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

4. 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

5. Construction-stage dewatering

Prior to the commencement of any works on site, the applicant is to approach Water NSW regarding any licencing requirements, and Council for approval to discharge into the stormwater system, for any construction-stage dewatering proposed. The information required by each authority, such as a Dewatering Management Plan and water quality testing results, is to be submitted. If insufficient information is available prior to commencement of works, these requirements will still apply under another condition of this consent.

Reason: To protect the environment.

6. Notice of commencement

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

Reason: Statutory requirement.

7. Notification of builder's details

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

Reason: Statutory requirement.

8. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- i. Full road pavement width, including kerb and gutter, of Tryon Road and Milray Street over the site frontage, and Havilah Lane.
- ii. 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.

9. 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:
1-21 Lindfield Avenue and 2 Kochia Lane
The Lindfield Centre and Block B, 2-6 Milray Street

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

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the 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.

10. Construction traffic and pedestrian management plan

The applicant must submit to Council's Development Engineer a Construction Traffic and Pedestrian Management Plan (CTPMP), which is to be approved by Council and Roads and Maritime Services (RMS) 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 CTPMP 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 or other heavy vehicle that is able to manoeuvre into and out of the site.

The report is to address the matters outlined in the Traffix document referred to in condition 1 of the consent.

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 works in the public road
- 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 shall also indicate how vehicular access to the basement car park of the Lindfield Centre from Kochia Lane will be maintained during construction, and the

plan shall develop measures to provide temporary alternative parking arrangements (in close proximity to the site) for the existing on-site long stay parking spaces connected to Nos. 1-21 Lindfield Avenue which are accessed from Chapman Lane

The contractor is to arrange any approvals for temporary road closures, hoardings, occupation of Council's road or footpath, Works Zone and/ or standing of plant through the appropriate section of Council. Forms and information, including details of fees, are available on Council's website.

When a satisfactory CTPMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTPMP as well as any conditions in the letter issued by Council and any conditions required by RMS. 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.

11. 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 Landcom 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.

12. Tree protection fencing

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

Schedule	
Tree/Location	Radius from trunk
Tree A/ <i>Lophostemon confertus</i> (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road	7.2m
Tree B/ <i>Lophostemon confertus</i> (Brushbox) centrally located within nature strip on Tryon Road	6.0m
Tree C/ <i>Lophostemon confertus</i> (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road	5.4m

Reason: To protect existing trees during the construction phase.

13. 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.

14. Tree protection signage

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

Tree protection zone.

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

Reason: To protect existing trees during the construction phase.

15. 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.

16. 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, NSW Department of Environment and Climate Change Interim Construction Noise Guidelines, the Environment Protection Authority Assessing Vibration - a Technical Guideline and German Standard DIN 4150-3 (for building damage). The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition,

- excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

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

17. Support for Council roads, footpaths, drainage reserves

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

Reason: To protect Council's infrastructure.

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

18. Consolidation of lots

Prior to issue of the Construction Certificate the existing lots (excluding public roads) which form the development site are to be consolidated into a single lot. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted to the Certifying Authority with the application for Construction Certificate.

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

19. Approvals from the Local Traffic Committee

Prior to the release of the Construction Certificate, the applicant shall obtain approval from the Local Traffic Committee for the following:

- Removal of on-street parking spaces in Milray Street necessary to allow an 11m rigid truck to turn into Kochia Lane, turning left from Milray Street.
- Revised on-street parking to maximise the availability of parking spaces in response to the proposed development after completion of the works.

- c) A Construction Traffic Management Plan which specifies the maximisation of temporary provision of short term (no longer than 2 hours) parking in the vicinity of the site.

Prior to the release of the Construction Certificate, the applicant shall seek approval from the Local Traffic Committee for the following:

- a) Re-signposting of on-street parking spaces in proximity to the Lindfield Village Green to provide for short-term parking (no longer than 2 hours) for a minimum of 41 additional spaces after completion of the works.
- b) The provision of a raised traffic calming device in Milray Street, north of Kochia Lane to discourage traffic turning left when exiting Kochia Lane.

Reason: To ensure appropriate parking is available during construction and long term and traffic management is appropriate

20. Amendments to the approved plans

The plans submitted with the application for the Construction Certificate are to incorporate the following amendments:

- a) The exhaust stack for the car park provided within the café building is to be relocated to reduce its visibility when viewed from the Village Green. The exhaust stack is to be relocated generally in proximity to the location of the internal entry door to the store room.
- b) Deletion of the sign on the Kochia Lane façade of the café.
- d) Provision of details for provision of electrical charging points within both levels of the basement car park.
- e) Provision of 15 bicycle parking spaces either within the short-term car park or at grade (or a combination of both).

The Construction Certificate shall not be issued unless the Certifying Authority is satisfied that the amendments required by this condition have been incorporated into the Construction Certificate plans.

Reason: To ensure appropriate aesthetic presentation, accessibility and facilities.

21. Acoustic design report

Prior to the issue of the Construction Certificate an acoustic design report prepared by an appropriately qualified acoustic consultant shall be submitted to and approved by the Certifying Authority. The report shall provide design details and specifications of all acoustic measures including enclosures/barriers required around external plant for the car park exhaust, air conditioning equipment and pumps associated with water features to ensure that noise generated by the operation of the equipment is not more than 5db above the background (LA90, 15 min) level when measured at any point within any adjoining or neighbouring residential property and is not audible at night within a habitable room of any residential premises.

Reason: To protect the amenity of surrounding residents.

22. Recreational water feature

Prior to the issue of the Construction Certificate a design report shall be submitted to and approved by the Certifying Authority detailing the proposed filtration and chemical treatment system for the recreational water feature. The filtration and treatment system is to be capable of achieving the prescribed operating requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012*.

Reason: To protect public health.

23. Tanked basement design

Prior to the issue of the Construction Certificate, the Certifying Authority is to be satisfied that the structural design of the basement is a tanked design, to ensure that the basement is sufficiently watertight and that permanent dewatering will not be required.

Reason: To protect the environment.

24. 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:

<i>Plan no.</i>	<i>Title</i>	<i>Drawn by</i>	<i>Dated</i>
la-0201 Rev A04	Landscape Site Plan	DEM	30/06/17
la-0601 Rev A04	Landscape Hardworks Plan	DEM	30/06/17
la-0610 Rev A01	Landscape Hardworks Plan Sheet 1	DEM	7/06/17
la-0611 Rev A03	Landscape Hardworks Plan Sheet 2	DEM	30/06/17
la-0701 Rev A04	Landscape Softworks Plan	DEM	30/06/17

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

1. The landscape plans are to include the numbering of existing trees that are to be removed and retained in accordance with Section 8.6.1 and 8.6.2, Development Application Design Report, DEM, June 2017.
2. The proposed planting of four (4) *Stenocarpus sinuatus* (Firewheel Tree) along the northern elevation of the Lindfield Centre is to be substituted with deciduous canopy species such as *Platanus x hybrida* (Plane Tree) or similar.
3. Proposed areas of on-slab bio retention soil medium and off-slab soil sandy loam mediums are to be shown.
4. The detailed design for the water feature including detailed sections and material specification are to be provided satisfying both safety and maintenance issues such as avoidance of sharp edges and slippery surfaces and adequate leaf screening.
5. The proposed planters to the surrounds of the café are within the eaves and are proposed to have irrigation. Details are to be provided prior to Construction certificate.

Prior to the issue of the Construction Certificate, the 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.

25. Amendments to approved civil plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved civil 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:

<i>Plan no.</i>	<i>Title</i>	<i>Drawn by</i>	<i>Dated</i>
C-4-10 rev 3	Typical section	Robert Bird Group	7/06/17

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

1. The specification for the structural soil and on-slab free draining material is to be provided.
2. Details of the means of separating the compacted structural soil (to Chapman Lane and gazebos) and the bio retention media is to be provided.

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

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

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

26. 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.

27. 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.

28. Access for people with disabilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, Access to Premises Standards 2010 and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

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

29. Excavation for services

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

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

Reason: To ensure the protection of trees.

30. 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:

- i. 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"
- ii. 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.

31. 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 Director Operations. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the infrastructure works required in Chapman Lane, Milray Street, Kochia Lane and Havilah Lane, including but not limited to:

1. Stormwater pipelaying, footpath and driveway/ road construction and paving, and relocation of services.
2. The design of the threshold in Milray Street must be carried out by a suitably qualified and experienced engineer and construction-level drawings are to be provided. Sufficient existing and proposed levels and longitudinal and cross-sections are to be provided to show how access to Kochia Lane eastbound will be maintained for all traffic without scraping and without unusual turning movements.
3. The traffic engineer is to provide associated turning path diagrams to demonstrate that access to the Lindfield Village Green site from Milray Street will be available in all directions for the maximum intended size of vehicle.

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.

32. Ausgrid requirements

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

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

Reason: To ensure compliance with the requirements of Ausgrid.

33. Utility provider requirements

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

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

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

34. 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.

35. Archaeology

In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately and the NSW Heritage Council notified of the discovery. Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made.

Reason: To be consistent with the relic provision of the NSW Heritage Act 1977.

36. Construction Traffic Management Plan for temporary short term parking

Prior to the commencement of works the provisions of the Construction Traffic Management Plan related to provision of temporary short term parking, as approved by the Local Traffic Committee, shall be carried out.

Reason: To ensure appropriate parking is available during construction

37. Section 94 Contributions - Centres. (For DAs determined on or after 19 December 2010)

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

Key Community Infrastructure	Amount
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$12,222.68
Total:	\$12,222.68

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

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

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at www.kmc.nsw.gov.au.

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

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

38. 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.

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
- 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.

40. 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.

41. 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 and German Standard DIN4150-3 (for building damage).

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

42. Construction-stage dewatering

If construction-stage dewatering is required during the excavation or construction stage of the development, the applicant is to approach Water NSW regarding any licencing requirements, and Council for approval to discharge into the stormwater system, for any construction-stage dewatering proposed. The information required by each authority, such as a Dewatering Management Plan and water quality testing results, is to be submitted, and no dewatering is to be carried out until such approval is obtained.

Reason: To protect the environment.

43. Testing and disposal of excavated materials

All material excavated from the site is to be tested for contaminants and classified prior to disposal at an appropriate waste disposal facility.

Reason: To ensure compliance with SEPP 55

44. 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.

45. 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.

46. 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.

47. 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 and other properties during the construction process.

48. 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:

- i. 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
- ii. display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer

- iii. be durable and weatherproof
- iv. 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
- v. 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.

49. 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:

- i. 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
- ii. 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
- iii. all materials shall be stored or stockpiled at the best locations
- iv. 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
- v. all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- vi. all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- vii. gates shall be closed between vehicle movements and shall be fitted with shade cloth
- viii. cleaning of footpaths and roadways shall be carried out daily

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

50. Further geotechnical input

The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by **Asset Geotechnical Engineering dated 28 November 2016**.

Over the course of the works, a qualified geotechnical/hydrogeological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

51. 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:

- i. appropriate excavation method and vibration control
- ii. support and retention of excavated faces
- iii. hydrogeological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by **Asset Geotechnical Engineering dated 28 November 2016**. 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.

52. 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.

53. 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.

54. 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.

55. Construction signage

All construction signs must comply with the following requirements:

- i. are not to cover any mechanical ventilation inlet or outlet vent
- ii. are not illuminated, self-illuminated or flashing at any time
- iii. are located wholly within a property where construction is being undertaken
- iv. refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- v. are restricted to one such sign per property

- vi. do not exceed 2.5m²
- vii. are removed within 14 days of the completion of all construction works

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

56. 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.

57. 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.

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. Temporary rock anchors

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

- i. 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
- ii. That the locations of the rock anchors are registered with Dial Before You Dig

- iii. 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.
- iv. 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.
- v. 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.

60. 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>> 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.

61. Arborist's report

All trees 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 during all works within the canopy spread of all existing trees on site and on adjoining sites or nature strips, 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.

62. 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 works
Tree A/ <i>Lophostemon confertus</i> (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road	Minor root pruning
Tree B/ <i>Lophostemon confertus</i> (Brushbox) centrally located within nature strip on Tryon Road	Minor root pruning
Tree C/ <i>Lophostemon confertus</i> (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road	Minor root pruning

Reason: To protect the environment.

63. 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.

64. Hand excavation

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

Schedule	
Tree/Location	Radius from trunk
Tree A/ <i>Lophostemon confertus</i> (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road	7.2m
Tree B/ <i>Lophostemon confertus</i> (Brushbox) centrally located within nature strip on Tryon Road	6.0m
Tree C/ <i>Lophostemon confertus</i> (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road	5.4m

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. 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.

- i. Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- ii. 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:

69. Acoustic attenuation measures

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the acoustic measures as recommended in the acoustic design report required by this consent have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifying Authority confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment and the noise level from the operation of all mechanical plant and equipment is not more than 5db above the background (LA90, 15 min) level when measured at any point within any adjoining or neighbouring residential property and is not audible at night within a habitable room of any residential premises.

Reason: To protect the amenity of surrounding residents.

70. Recreational water feature

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied the filtration and chemical treatment system for the recreational water feature has been installed and is operating in accordance with the prescribed operating requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012*.

Reason: To protect public health.

71. Garbage and recycling facilities

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the waste storage area for the proposed cafe has been installed, 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 environmental amenity.

72. Waste collection in Chapman Lane

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that, if reversing of any waste collection vehicle in Chapman Lane is proposed, a formal Risk Assessment has been carried out and approved by Council's Manager Waste.

Reason: Public safety.

73. Completion of specific works

Prior to the release of an Occupation Certificate, the applicant shall complete all of the following works with the exception of the works identified under paragraphs a) and b) below which do not need to be completed in the event that these works are submitted to the Local Traffic Committee for approval and approval was not granted:

- a) All works associated with re-signposting of on-street parking.
- b) Provision of a raised traffic calming device in Milray Street, north of Kochia Lane to discourage traffic turning left when exiting Kochia Lane.
- c) Erection of electronic signage in Milray Street and at the entrance to the basement car park indicating the current availability of parking in the car park, differentiating between short term and long term parking.
- d) Installation of an electronic system that records the occupation level of the car park, differentiating between short term and long term parking which relays the information to the electronic signage required by c).
- e) CCTV within the car park to ensure appropriate levels of surveillance are provided to improve the safety of the facility.
- f) Completion of an accessible path of travel from the southern end of Kochia Lane to Lindfield Railway Station.

Reason: To ensure appropriate parking is available, minimise disruption to local traffic movement and provide accessibility.

74. Traffic and Parking Management Plan for regular events

Prior to the release of the Occupation Certificate, the applicant shall apply to the Local Traffic Committee for approval for the following:

- a) A Traffic and Parking Management Plan for regular events to be held on the Village Green that do not require a separate development consent.

Regular events shall not be held unless the Traffic and Parking Management Plan has been approved.

Reason: To ensure appropriate parking and traffic management of events.

75. 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.

76. Certification of civil and drainage works

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

- i. the civil and stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate plans
- ii. all grates potentially accessible by children are secured
- iii. 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
- iv. 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.

77. Works-as-executed plans

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

- i. as built (reduced) surface and invert levels for all drainage pits
- ii. gradients of drainage lines, materials and dimensions
- iii. as built (reduced) level(s) at the approved point of discharge to the public drainage system

- iv. 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
- v. the achieved storage volumes of the installed retention and detention storages and derivative calculations
- vi. as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- vii. the size of the orifice or control fitted to any on-site detention system
- viii. dimensions of the discharge control pit and access grates
- ix. the maximum depth of storage possible over the outlet control
- x. 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.

78. 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.

79. Certification of as-constructed driveway/carpark

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

- i. the as-constructed car park complies with the approved Construction Certificate plans
- ii. the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking"
- iii. finished driveway gradients and transitions will not result in the scraping of the underside of cars
- iv. the vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking" 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.

80. 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.

81. 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 and at no cost to Council.

Reason: To protect public infrastructure.

82. Mechanical ventilation

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

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

83. 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:

84. Recreational water feature

The recreational water feature is to be operated in accordance with requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012*.

Reason: To protect public health.

85. Use and fitout of the café

Separate development consent is required for the initial use and fitout of the café.

Reason: To allow assessment of the appropriate fitout and use

86. Fee structure for short term parking

The short term parking within the basement of the car park shall be provided free of charge for at least the first hour of use.

Reason: To ensure parking is available for short term use

87. Car parking for the café

One parking space within the short term parking area shall be allocated for the exclusive use of the café.

Reason: To ensure appropriate parking is available for staff at the cafe

88. 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: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

89. Noise control - plant and machinery

All noise generating equipment associated with mechanical ventilation systems, plant and machinery shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises between the hours of 10.00pm and 7am. The operation of the equipment outside these restricted hours shall emit a noise level of not greater than 5dB above the background when measured at the nearest residential occupancy. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

90. Annual Fire Safety Statement

Each 12 months after the installation of essential fire or other safety measures, the owner of a building must cause the Council to be given an Annual Fire Safety

Statement for the building. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Reason: To ensure statutory maintenance of essential fire safety measures.