

Without Prejudice Condition Set
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DA DA0014/17
 Panel Ref. 2017SNH050
 Proposal: Demolish existing structures and staged construction of a residential aged care facility comprising 101 beds, basement car parking and associated landscaping works - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - heritage conservation area
 Property 12, 14 and 16 Trafalgar Avenue ROSEVILLE NSW 2069

The conditions of consent are as follows:

SCHEDULE A: Deferred commencement condition

Evidence required to satisfy the following condition must be submitted to Council within twelve (12) months of the date of this consent. This consent will lapse if all deferred commencement conditions are not satisfied within twelve (12) months of the date of this consent.

Amendments to architectural plans

The applicant shall amend the architectural plans listed below in accordance with this condition:

Project no. 15423	Drawn by	Dated
DA-2001 Issue C	Group GSA	31/05/2018
DA-2002 Issue C	Group GSA	31/05/2018
DA-2003 Issue C	Group GSA	31/05/2018
DA-2004 Issue C	Group GSA	31/05/2018
DA-2005 Issue C	Group GSA	31/05/2018
DA-3001 Issue C	Group GSA	31/05/2018
DA-3002 Issue C	Group GSA	31/05/2018
DA-3006 Issue C	Group GSA	31/05/2018
DA-8301 Issue C	Group GSA	31/05/2018

- i. Bedroom 33 is to be deleted and replaced with a flat parapeted roof.
- ii. The banding proposed for the paving of the Porte Cochere and Ambulance Bay is to be deleted with the exception of the band around the perimeter of the bitumen. The colour of the perimeter band of brickwork is to be changed to Bowral bricks "Brahmin Granite".
- iii. The venetian blinds on the north-eastern and south-eastern facades are to be natural timber in a warm colour.
- iv. The render colour is to be changed from "Chalkstone" to Dulux "Portland Stone" or equivalent.

- v. The façade design encompassing Bedrooms 1, 2, 3, 26, 27 and 28 is to be modified so that the ground floor wall is face brick “Brahmin Granite” colour and the first floor wall is “Capitol Red” colour. The anodised aluminium panels are to be deleted.
- vi. All anodised aluminium panels on facades visible from the street are to be deleted or changed to timber.
- vii. The walls of the driveway entry, including those facing the ramp, are to be face brickwork in “Capitol Red” colour.
- viii. Details, materials, finishes and colours of the proposed balustrade above the carport entry are to be provided. The balustrade is to be a simple design incorporating fine metal balusters and top rail and a black colour.
- ix. The roof tiles are to be equivalent to Monier Nouveau pattern tiles in the colour ‘Mars’ or ‘Bedrock’.

Schedule of Conservation Works for 14 Trafalgar Avenue

A Schedule of Conservation Works is to be prepared for No. 14 Trafalgar Avenue. The schedule is to include full details of the works to the main building and the front fence.

Amendments to landscape plans

The applicant shall amend the landscape plans listed below in accordance with the requirements of this condition:

Project no. 15423	Drawn by	Dated
DA-L7000 Issue H	Group GSA	31/05/18
DA-L7100 Issue J	Group GSA	31/05/18
DA-L7101 Issue I	Group GSA	31/05/18
DA-L7102 Issue A	Group GSA	31/05/18
DA-L7110 Issue A	Group GSA	31/05/18
DA-L7200 Issue G	Group GSA	31/05/18
DA-L7201 Issue B	Group GSA	31/05/18
DA-L7202 Issue B	Group GSA	31/05/18
DA-L7203 Issue B	Group GSA	31/05/18
DA-L7204 Issue B	Group GSA	31/05/18
DA-L7207 Issue B	Group GSA	31/05/18
DA-L7208 Issue B	Group GSA	31/05/18
DA-L7300 Issue I	Group GSA	31/05/18
DA-L7400 Issue E	Group GSA	31/05/18
DA-L8000 Issue I	Group GSA	05/06/18

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

Existing trees to be retained

- The plans shall indicate all trees to be retained including the trees located on the adjoining properties.
- All of the existing trees to be retained are to be clearly numbered in accordance with the arborist report.

14 Trafalgar Avenue (existing dwelling on site)

- Retain the existing 5 x *Camellia japonica* (Japanese Camellia) adjacent to the existing front fence.
- Retain the existing sandstone garden edging along the north western and south eastern sides of the front garden.
- Due to restricted space as a result of the retention of Trees 65, 66 and 67 the 2 x *Lagerstroemia indica* (Crepe Myrtle) are to be deleted.
- A *Polyspora axillaris* (Gordonia) is to be planted in the southern corner of the garden.

Trafalgar Avenue streetscape

- The 3 x *Lophostemon confertus* (Brushbox) on the Trafalgar Ave nature strip are to be replaced with 3 x *Jacaranda mimosifolia* (Jacaranda)
- The pump room is to be relocated a minimum distance of 2 metres from the north western edge of the driveway. Shade tolerant screen planting is to be planted between the pump room and the driveway. See Figure 1 below.

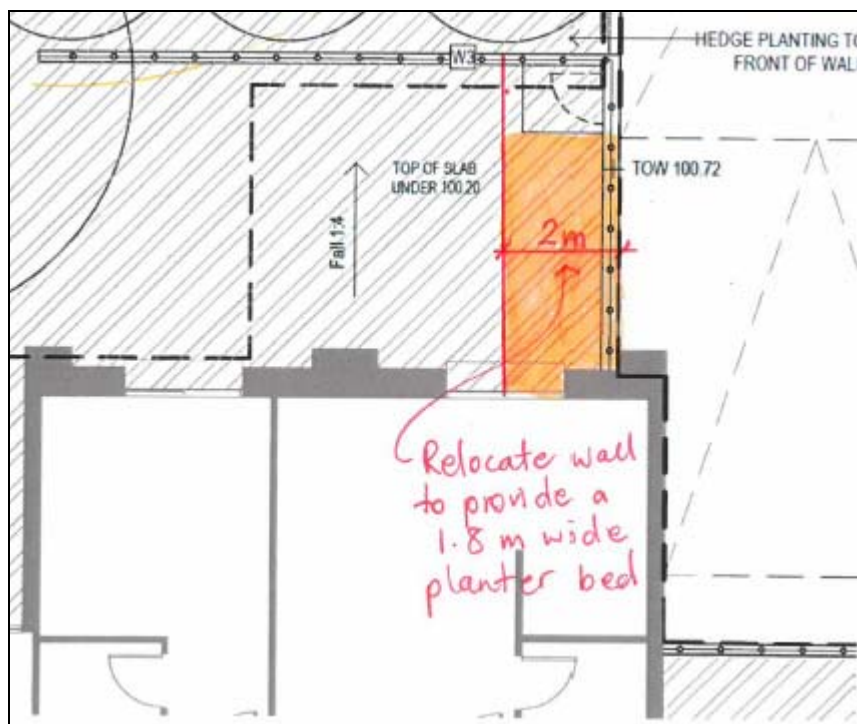


Figure 1

- Additional planting including screening shrubs and ground covers are to be planted between the port cochere and the front boundary. See Figure 2 below.

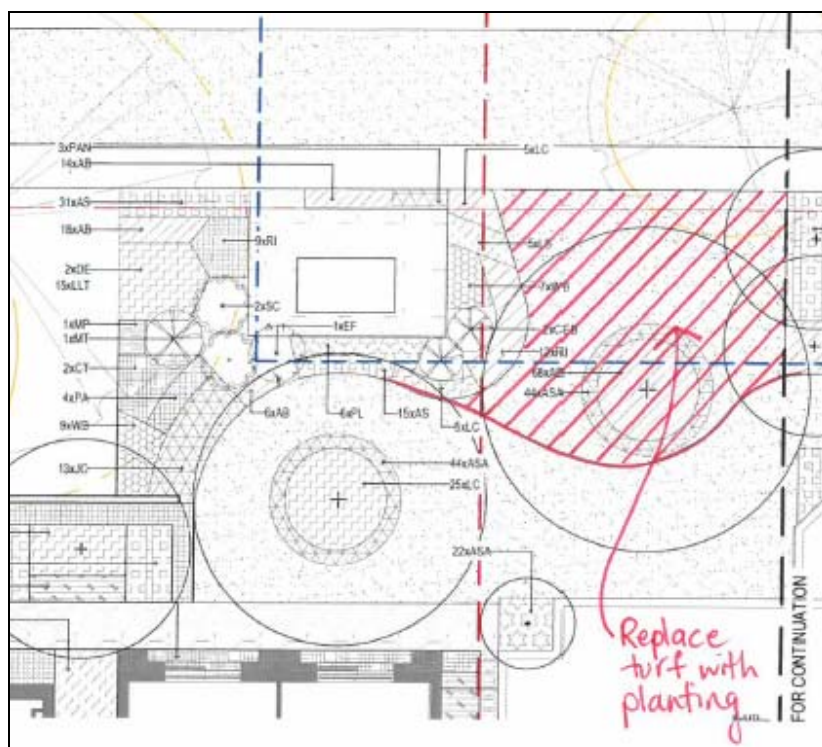


Figure 2

South eastern (side) boundary

- The *Angophora floribunda* (Rough barked Apple) located on the south eastern boundary between the roof top garden and the adjoining dwelling is to be replaced with 3 x *Elaeocarpus reticulatus* (Blueberry Ash).
- An additional layer of screen planting is required in the garden bed beneath the canopy of Tree 74.
The path within the south eastern side setback is to be a maximum width of 1.2 metres.

North western (side) boundary

- The 5 x *Polyspora axillaris* (Gordonia) within Courtyard 3 are to be replaced with a deciduous species such as *Lagerstroemia indica* (Crepe Myrtle) or similar.

South western (rear) boundary

- An additional 4 *Elaeocarpus eumundii* are to be planted adjacent to rooms 81 to 83.
- The screen planting adjacent to the rear boundary of No. 17 Clanville Road is to be planted during the Stage 1 works.
- An additional 6 x *Syzygium leuhmanii* are to be planted adjacent to rooms 12 to 19.
- An additional retaining wall is required to be constructed parallel to the proposed retaining wall along the south western boundary. The wall is to be a minimum height of TOW RL 102.98 and located a minimum distance of 1 metre from the proposed retaining wall. The garden area between the new wall and the proposed wall is to be planted to soften and reduce the scale of the proposed retaining wall. See Figure 3 below.

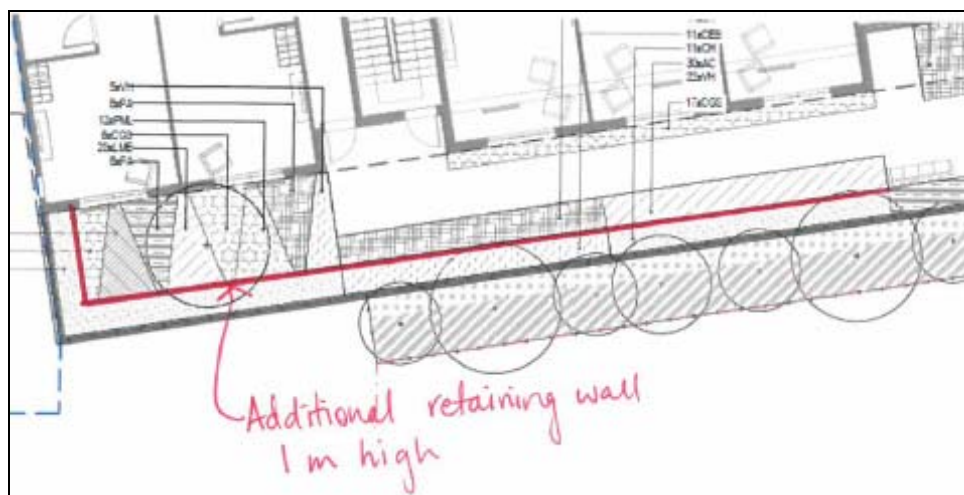


Figure 3

Podium planting

- The planting is to be deleted between the south eastern side of the existing dwelling at 14 Trafalgar Avenue and the sitting area of the new building.
- A free standing decorative container of minimum 200 litre capacity is to be placed on the paved area adjacent to the north western wall of room 1. A super advanced (100 litre) *Acer palmatum* (Japanese Maple) or similar is to be planted in the container.
- To enable the construction of a planter box between rooms 3 and 7 a low wall approximately 600mm high is to be constructed along the base of the glass window in the lounge area.
- An access point for the maintenance of the podium planting above the driveway adjacent to rooms 8 and 10 is to be provided.
- The plans indicate a TOW 102.8 for the podium planter boxes adjacent to the residential rooms in Courtyard 1. To enable an adequate depth of soil for the proposed planting the window sill levels of the adjoining residential rooms 4, 5, 6, 20, 21, 22, 23, 24 and 25 are to be a minimum of 800mm above the floor level.
- The 3 x *Robinia* 'Mop Top' within Courtyard 1 are to be deleted.

Port Cochere

- The 4 x *Robinia* 'Mop Top' within the Port Cochere area are to be replaced with 4 x *Pyrus nivalis* (Snow Pear).
- The *Gleditsia triacanthos* 'Sunburst' within the Port Cochere area is to be replaced with a *Nyssa sylvatica* (Tupelo) minimum container size of 100 litres.

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

SCHEDULE B - The standard conditions of consent are set out as follows:

SYDNEY TRAINS CONCURRENCE CONDITIONS

1. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - i) Structural Drawings prepared by Mott Macdonald numbered as follows:
 - MMD-367640-DR-S-1020-BM (rev P4)
 - MMD-367640-DR-S-1025-BM (rev P4)
 - MMD-367640-DR-S-1030-BM (rev P4)
 - MMD-367640-DR-S-1026-BM (rev P2)
 - MMD-367640-DR-S-2025-BM (rev P3)
 - MMD-367640-DR-S-2026-BM (rev P1)
 - MMD-367640-STR-XX-00-S-2027-BM (rev P1)
 - ii) ECRL Impact Assessment Report dated 24 July 2018 prepared by Mott Macdonald.

The Certifying Authority is not to issue the Construction certificate until the measures detailed in the documents approved/certified by Sydney Trains under this Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

2. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - Machinery to be used during excavation/construction
 - Construction, Excavation and Demolition plan listing the vibration generating equipment, anticipated levels of vibration and proposed method of monitoring
 - Updated drawings to show that the vertical height of the first reserve is the "pre-defined easement height" of 10m being the greatest dimension as outlined in Section 5.1 of T HR CI 12051 ST.
 - Detailed risk assessment in accordance with Section 8.3.3 of T HR CI 12051 ST Development Near Rail Tunnels in order to comply with dot point 8 of Section 11.2
 - Monitoring plan including trigger levels, action plans and remedial measures
 - Illustration of the Zone of Influence due to the proposed development in order to comply with dot point 3 of Section 8.3.2 of T HR CI 12051 ST Development near Rail Tunnels. This may be done on the section and elevation drawings
 - Foundation loading schedule for all foundations.

- Structural drawings for the shoring in order to comply with dot point 5 of Section 8.3.2 of T HR CI 12051 ST Development Near Rail Tunnels
- Vibration Assessment Report
- Stray DC current signature report in accordance with Section 9.2.1 in order to comply with dot point 12 of Section 8.3.2 of T HR CI 12051 ST Development Near Rail Tunnels
- Certification in order to comply with dot point 13 of Section 8.3.2 of T HR CI 12051 ST Development Near Rail Tunnels

The Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

3. Prior to the commencement of works, prior to the issue of an Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed.

In accordance with Cl.10.1 of TfNSW standard T HR CI 12051 ST "Developments near rail tunnels (issued 14.11.2016)", for tunnel constructed within 30 years, a dilapidation survey report shall be submitted for Sydney Trains' approval prior to the issue of a Construction Certificate.

4. Final Safe Work Method Statement and Risk Analysis Plan shall be submitted to Sydney Trains for approval prior to the issue of a Construction Certificate.

5. A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the tunnel monitoring plan, and if required, that it has been endorsed.

6. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations including loading details for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

7. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
8. No rock anchors/bolts are to be installed into Sydney Trains property or easements.
9. Prior to the issue of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
10. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering and Maintenance Interface to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
11. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering and Maintenance Interface to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
12. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
13. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
14. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of

consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

Reason: To ensure that the development is in accordance with the conditions imposed by Sydney Trains under the provisions of SEPP (Infrastructure) 2007.

CONDITIONS THAT IDENTIFY APPROVED PLANS:

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
Landscape Plans compliant with the deferred commencement condition.	To be determined	To be determined
DA-1102 Issue C	Group GSA	31/05/2018
DA-1103 Issue C	Group GSA	31/05/2018
DA-1105 Issue C	Group GSA	31/05/2018
DA-2001 Issue C	Group GSA	31/05/2018
DA-2002 Issue C	Group GSA	31/05/2018
DA-2003 Issue C	Group GSA	31/05/2018
DA-2004 Issue C	Group GSA	31/05/2018
DA-2005 Issue C	Group GSA	31/05/2018
DA-2006 Issue A	Group GSA	31/05/2018
DA-3001 Issue C	Group GSA	31/05/2018
DA-3002 Issue C	Group GSA	31/05/2018
DA-3003 Issue C	Group GSA	31/05/2018
DA-3004 Issue C	Group GSA	31/05/2018
DA-3005 Issue C	Group GSA	31/05/2018
DA-3006 Issue C	Group GSA	31/05/2018
DA-3101 Issue C	Group GSA	31/05/2018
DA-3102 Issue B	Group GSA	31/05/2018
DA-4008 Issue C	Group GSA	31/05/2018
DA-8301 Issue C	Group GSA	31/05/2018
SK-35 Issue P1	Group GSA	11/09/2018
MMD-367640-DR-C-XX-0002 Revision P4	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0003 Revision P5	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0010 Revision P6	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0011 Revision P4	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0020	Mott Macdonald	31/07/2018

Revision P6		
MMD-367640-DR-C-XX-0021 Revision P3	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0030 Revision P5	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0040 Revision P4	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0050 Revision P4	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0060 Revision P3	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0100 Revision P3	Mott Macdonald	31/07/2018
MMD-367640-DR-C-XX-0200 Revision P3	Mott Macdonald	31/07/2018

Document(s)	Dated
KOPWA's Services Statement	Amended 22/08/2018
Stormwater Management Report Revision C	3/11/2017
Construction and Operational Waste Management Plan	October 2017
Mott Macdonald letter Reference No. SG/JK/367640	1/11/2017
Access for people with a Disability Revised DA Review Issue DA 05	30/10/2017
Report to KOPWA on Geotechnical Investigation	5/05/2016
Amended Environmental Noise Assessment Report No. 6113-1.1R Rev C	3/11/2017
Report to KOPWA on Hazardous Building Materials Assessment	18/04/2016
Report to KOPWA on Preliminary Environmental Screening	12/05/2015
Green Star Pathway KOPWA Aged Care Revision 2	22/10/2017
ECRL Impact Assessment Report Revision C	24/07/2018
Tree (Arborist) report for 12-16 Trafalgar Avenue Roseville	November 2017
Memo prepared by Wood & Grieve Engineers Project No. 29511-SYD-M	14/11/2017

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

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.

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:

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.

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.

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.

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 Trafalgar Avenue over the site frontage, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed

when assessing any damage to public infrastructure caused as a result of the development.

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

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

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

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:

- 18 Trafalgar Avenue, Roseville
- 8 Trafalgar Avenue, Roseville

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.

Construction 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 a 12.5 metre long heavy rigid vehicle and 19.0 metre articulated vehicle.

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

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

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

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

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

Work zone

A Works Zone is to be provided in Trafalgar Avenue subject to the approval of the Kuring-gai Local Traffic Committee.

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.

Sediment controls

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

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

Reason: To preserve and enhance the natural environment.

Tree protection fencing for Stage 1

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.

Tree/Location	Radius in metres
Trees 3, 6, 7, 8, 65, 66, 67, 74	In accordance with the project arborists instructions.

Reason: To protect existing trees during the construction phase.

Tree protection fencing for Stage 2

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.

Tree/Location	Radius in metres
Trees 1, 2, 10, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 39, 45.	In accordance with the project arborists instructions.

Reason: To protect existing trees during the construction phase.

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.

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.

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.

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 Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

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

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

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:

- 1) The CC plans include all the matters referred to in the DA ESD report and any additional ESD measures proposed for the achievement of the required 4 (or greater) Green Star - Design & As Built certification;
- 2) The plans for development have been registered with Green Building Council of Australia (GBCA) for a Green Star- Design & As Built Certification (including the provision of a registration notice and invoice for registration payment); and
- 3) The plans for the development have achieved a 4 (or greater) Green Star Rating by Green Building Council of Australia (GBCA) for the "Design" component of the Green Star - Design & As Built certification as evidenced by a notice or letter from GBCA.

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

Fire sprinkler system

Prior to the issue of the Construction Certificate the Certifying Authority is to be satisfied that the Construction Certificate documentation specifies the installation of a fire sprinkler system.

Reason: To ensure compliance with clause 55 of SEPP (Housing for Seniors or People with a Disability) 2004.

Project arborist

Prior to the issue of the Construction Certificate the Certifying Authority shall ensure that a Project Arborist is engaged to supervise all tree protection measures and works are carried out in accordance with the conditions of consent.

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

Reason: To protect of existing trees

Tree identification

Prior to the issue of the Construction Certificate the Certifying Authority shall ensure the existing trees are numbered in accordance with the arborists report and/or the approved plans. Trees shall be clearly tagged with confirmation from the Project Arborist that all marked trees correspond with those shown on the approved plan.

Reason: To protect existing trees.

Amendments to approved stormwater plans

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

Plan no.	Prepared by	Dated
0001 P4, 0020 P6, 0030 P5, 0040 P4, 0060 P3, 0100 P2 and 0200 P3	Mott MacDonald	31/07/18

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

- All stormwater pits within the soft landscape areas are to be deleted.
- The Bulk Earthworks Plan no. 0060 P3 is to be amended to match the landscape plans in relation to the north eastern (front) setback and the south western (rear) setback adjacent to 17 The Grove.

Reason: To ensure adequate landscaping of the site

Amendments to approved architectural plans

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

Project no. 15423	Prepared by	Dated
DA-0001 Issue C, DA-1105 Issue C, DA-2001 Issue C, DA-2002 Issue C, DA-2003 Issue C DA-2004, Issue C and DA-2005 Issue C	Group GSA	31/05/18

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

- A skylight or highlight window shall be provided to the tunnel between the basement and Lift 3.
- All trees are to be clearly numbered in accordance with the arborist report.
- Plan DA-1105 Issue C shall indicate the retention of Trees 65, 66 and 67.
- Plan DA-1105 Issue C shall indicated the tree protection measures in accordance with the conditions of consent and as recommended by the Project Arborist.
- The plans shall be consistent with the landscape works within the south western (rear) setback adjacent to 17 The Grove.
- The pump room is to be relocated a minimum distance of 2 metres from the north western edge of the driveway. Shade tolerant screen planting is to be planted between the pump room and the driveway. See Figure 1 in the deferred commencement condition.

Reason: To ensure adequate landscaping of the site.

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.

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.

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 (s4.55) 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.

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 to and from and between the public domain and common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

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

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

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.

Acoustic Design Report

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the certifying authority with the application for construction certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors and lifts proposed as part of the development. The report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary, balcony or external living area of the nearest potentially affected residential occupancies. The construction certificate shall not be issued unless the certifying authority is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

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

Location of plant

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

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

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.

Driveway grades – basement car parks

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

- vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 –“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

Basement car parking details

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

must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- ☐ all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"
- ☐ a clear height clearance of **2.6 metres** (required under Part 23.7 'Waste Management' for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- ☐ no doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area
- ☐ the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions (delete clause if not seniors living)
- ☐ 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.

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 following infrastructure works required in Trafalgar Avenue:

- Vehicle crossing including longitudinal sections along both sides of proposed crossing from the centre of the existing road to the property boundary.
- Reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site.

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 2014. The drawings must detail existing utility services, (mains and house connections) 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 R&MS Traffic Control at Work Sites Version 4. Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

The design drawings must include sufficient detail to satisfy Council that a competent civil contractor to construct the works without additional guidance from Council.

The design engineer is to provide the date(s) of site visits during the project up to submission of the design to 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 Director Operations. 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.

If Council determines that the design drawings don't include sufficient detail or have incorrect detail, it may reject the submission of the Roads Act application, leading to forfeiture of the engineering assessment and inspection fees. This will then require a new submission of the amended design and payment of complete engineering and assessment fees as though the rejected design was never submitted. If the engineering and assessment fees have yet to be paid for a previous submission, then a replacement submission cannot be lodged prior to payment of all outstanding and fresh engineering and inspection fees.

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

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.

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.

Design and construction of food premises

Plans and specifications for the commercial kitchens and café/kiosk complying with the requirements of the Food Act and Regulations, Australian Standard 4674-2004- Design, construction and fit-out of food premises and National Construction Code Volume 1 Part F4 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage area
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction
- garbage and recycling storage areas
- grease trap area
- all proposed mechanical ventilation systems
- staff, accessible and public toilet facilities

Note: A “Food Premises Design, Construction and Fit-out Guide” is available on Council’s website.

Reason: To ensure compliance with standards for food premises.

Consolidation of lots

Prior to issue of the Construction Certificate the existing lots which will form the development site shall be consolidated into one lot. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure that the legal property description is consistent with the proposed site configuration.

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

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) **Release of the bond** – Upon receipt of the Final Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) 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:

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.

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 4.17 (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.

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 Roads and Maritime Services (RMS) 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.

External walls and cladding flammability

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: Statutory requirement to ensure the safety of occupants.

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 and other properties during the construction process.

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.

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.

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.

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.

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.

Post-construction dilapidation report

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

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

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

Reason: Management of records.

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 approved geotechnical report by JK Geotechnics. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

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.

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.

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.

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.

Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent

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

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

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.

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.

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.

Temporary disposal of stormwater runoff

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

Reason: To preserve and enhance the natural environment.

Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Part 24B.1 and Part 2B.2 of Ku-ring-gai DCP 'Water Management'.

Reason: To protect the environment.

Driveway trench drain at boundary

A 200mm wide grated drain, with heavy duty removable galvanised grates is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

Arborist's Report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Tree/Location	Time of inspection
Trees 3, 6, 7, 8, 45, 65, 66, 67, 74	At the commencement of Stage 1 earthworks followed by monthly inspections until the completion of the building works.
Trees 1, 2, 10, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 39.	At the commencement of Stage 2 earthworks followed by monthly inspections until the completion of the building works.

Reason: To ensure protection of existing trees.

Trees on nature strip

Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$20,000,000:

Tree/Location
Trees 4, 5 and 9

Reason: To ensure protection of existing trees.

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.

Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Tree/Location	Approved tree works
Trees 4, 5, 9, 11, 14, 19, 20, 30, 33, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68, 69, 70, 71, 73, 76, 77, 78, 81, 82, 83, 84, 85	Remove

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Development Control Plan.

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

Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Species/From	To
Tree 45	North eastern (front) setback as per the approved landscape plans

Reason: To protect the trees during transplanting.

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.

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.

Survey and inspection of waste collection clearance and path of travel

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

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

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Development Engineer and Manager Waste Services are to carry

out an inspection of the site to confirm the clearance available for the full path of travel of the small waste collection vehicle from the street to the collection area. This inspection may not be carried out by a private certifier because waste management is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

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

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:

Green Star Rating - Occupation Certificate Stage

1. Prior to the issue of an Occupation Certificate an up to date Green Star credit schedule demonstrating sufficient credits to achieve a GBCA certified outcome of 4 (or greater) Stars for the "As Built" component of the constructed development is to be provided to the Certifying Authority. A supporting statement from a GBCA accredited project ESD consultant is to accompany the schedule stating that the works have been carried out in accordance with the Green Star standards required to achieve the Green Star - Design & As Built certification.
2. Within 6 months of the Occupation Certificate being issued a copy of the GBCA Green Star – Design & As Built Certificate confirming the achievement of a 4 (or greater) Green Star Rating is to be submitted to Council.

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

Construction of commercial food preparation premises

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall be satisfied that the construction of the commercial kitchens and café/kiosk and all food storage areas are in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 *Food Premises and Equipment*, Australian Standard 4674-2004 *Design, Construction and Fit-out of Food Premises*.

If a private Certifier is to be used, the final inspection of the food premises fit out shall be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifying Authority certifying compliance with all relevant requirements.

Note: Council's Environmental Health Officer may be engaged to carry out this required inspection of the food premises. An inspection fee shall be charged in accordance with Council's current Fees and Charges if this inspection is required. This fee must be paid prior to inspection

Reason: To ensure compliance with standards for food premises.

Acoustic Measures

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that any acoustic measures recommended in the acoustic report required to be submitted prior to the construction certificate 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.

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

Garbage and recycling facilities

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

Reason: To protect residential and environmental amenity.

Trade Waste Permit/Consent

Prior to the issue of the Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater into the sewer shall be submitted to the Principal Certifying Authority. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

Reason: To ensure compliance with environmental and health standards for food premises

Construction of hair salon

Prior to the issue of the occupation certificate the Principal Certifying Authority shall be satisfied that the fit-out of the premises complies with the requirements of the Local Government (General) Regulations for Hairdressers.

Reason: To ensure compliance with standards for hair dressing and beauty salons.

Mechanical Noise Control

Prior to the issue of the Occupation Certificate the Principal Certifying Authority shall be satisfied the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts when in operation either as an individual piece of equipment or in combination with other equipment will not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority.

Reason: To protect the amenity of the occupants and neighbouring residents

Completion of landscape works for Stage 1

Prior to the release of an Occupation Certificate for Stage 1, 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.

Completion of landscape works for Stage 2

Prior to the release of the Final 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.

Waste Arrangements

Prior to issue of the Occupation Certificate, The Principal Certifying Authority must be satisfied that a contract or contracts 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 protect the amenity of the area.

Certification of drainage works (dual occupancies and above)

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 DCP Part 24 'Water Management' 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.

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

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

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

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

Reason: To protect the environment.

Basement pump-out maintenance

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

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

Reason: To protect the environment.

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 the Water Management Part 24R.8.1 of the relevant Kuring-gai Development Control Plan). 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.

Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, and upon completion of any works which may cause damage to Council's property, 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.

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.

Infrastructure repair

Prior to issue of the Occupation Certificate, and upon completion of any works which may cause damage to Council's property, 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.

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.

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 SEPP (Housing for Seniors or People with a Disability) 2004.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

Approved use

The use approved by this consent is for a residential care facility operated by a social housing provider that is a not for profit organisation and is a direct provider of rental housing to tenants in accordance with SEPP (Housing for Seniors or People with a Disability) 2004 as in force as at the date of this consent.

Reason: To ensure that the use is operated in accordance with the requirements of SEPP (Housing for Seniors or People with a Disability) 2004.

Deliveries and garbage collection

All deliveries by truck and all garbage collection must only occur between the hours of 9am to 5pm.

Reason: To ensure that the noise impacts of the proposal are consistent with the predictions made in the Acoustic Report.

Compliance with KOPWA's Services Statement

At all times the facility shall be operated in accordance with the approved 'KOPWA's Services Statement' listed in Condition No. 1. At the discretion of the consent authority written requests for minor changes to the 'KOPWA's Services Statement' without the

submission of a section 4.55 modification application may be considered on a case by case basis. Material changes to the 'KOPWA's Services Statement' will require the approval of a section 4.55 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.

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.

Noise control - plant and machinery

Noise levels associated with mechanical ventilation system/s and plant and machinery shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

Loading and unloading

At all times, all loading and unloading of service and delivery vehicles in connection with the use of the premises shall be carried out wholly within the basement carpark.

Reason: To ensure safe traffic movement.

Unobstructed driveways and parking areas

At all times, all driveways and parking areas shall be unobstructed. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

Reason: To ensure safe traffic movement.

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.