

WITHOUT PREJUDICE DRAFT CONDITIONS OF CONSENT
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Application No.:	DA00307/17
Proposed Development:	Demolition of a heritage item, excavation and tree removal. Construct a hardware and building supplies development including signage, landscaping works, consolidation of titles. Threatened Species Development.
Property:	950 – 950A Pacific Highway and 2 Bridge Street PYMBLE NSW 2073

In these conditions, references to the 'applicant', 'developer' or 'owner' is a reference to anyone entitled to act upon this consent.

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twenty four (24) months of the date of this consent. This consent will lapse if all deferred commencement conditions are not satisfied within twenty four (24) months of the date of this consent.

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

Vegetation management plan

The applicant shall submit a vegetation management plan which is to be prepared by a qualified ecologist or qualified bush regenerator incorporates the following:

In preparing the VMP the works are to be clearly articulated as to which stage management/enhancement works will be undertaken. The VMP is to clearly identify whom is responsible for the implementation of each stage of works and the ongoing maintenance and management of restoration areas.

The VMP should describe each task necessary for the implementation of the plan, the duration and priority. Maps, diagrams and plant species lists. The VMP should describe the existing vegetation and natural features to be retained, proposed vegetation, sediment and erosion control and stabilisation works. The following points below are to be addressed within the Vegetation Management Plan.

Vegetation management	<ul style="list-style-type: none"> • Vegetation management objectives • Weed removal methods • Revegetation methods • Habitat creation and management Maintenance strategies
Protective measures	<ul style="list-style-type: none"> • Protection of existing vegetation • Soil and stormwater management • Erosion and sediment control • Disposal of vegetation and materials on site

Reason: To ensure the protection and enhancement of the category 3 watercourse & biodiversity values of the site.

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

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

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Document Title / Reference	Prepared By	Date
Architectural Plans		
DA-A-010 Rev AE – Site Plan	Smith & Tzannes	10/04/18
DA-A-011 Rev K – Site Plan Demolition works	Smith & Tzannes	17/05/18
DA-A-100 Rev AE – Carpark Level 2	Smith & Tzannes	17/05/18
DA-A-101 Rev AI – Carpark Level 1	Smith & Tzannes	17/05/18
DA-A-102 Rev AF – Warehouse Level 0	Smith & Tzannes	17/05/18
DA-A-103 Rev AK – Warehouse Level 1	Smith & Tzannes	17/05/18
DA-A-104 Rev AE – Roof Plan	Smith & Tzannes	16/05/18
DA-A-200 Rev R – Ryde Rd and Bridge St Elevations	Smith & Tzannes	17/05/18
DA-A-201 Rev Q – Pacific H'way & Sth-West Elevations	Smith & Tzannes	17/05/18
DA-A-202 Rev L - Sections	Smith & Tzannes	18/03/17
DA-A-203 Rev B - Elevational Section	Smith & Tzannes	20/03/17
DA-A-810 Rev AF – Tree Management Plan	Smith & Tzannes	16/05/18
DA-A-811 Rev L – Deep Soil Landscape Plan	Smith & Tzannes	10/04/18
DA-A-812 Rev C – Signage Plan	Smith & Tzannes	17/05/18
DA-A-853 Rev B – External Finishes & Precedent	Smith & Tzannes	20/03/17
Landscape Plans		
2103 LP-00 Rev P – Landscape Site Plan	John Lock & Associates	17/04/18
2103 LP-01 Rev P – Landscape Plan Sheet 1	John Lock & Associates	17/04/18
2103 LP-02.1 Rev E – Hardscape Plans Streetscape Entry	John Lock & Associates	17/04/18
2103 LP-02 Rev P – Landscape	John Lock & Associates	17/04/18

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Plan Sheet 2		
2103 LP-03.1 Rev E – Hardscape Plan Sheet 3	John Lock & Associates	17/04/18
2103 LP-03 Rev P – Landscape Plan Sheet 3	John Lock & Associates	17/04/18
2103 LP-04 Rev L – Landscape elevations	John Lock & Associates	16/09/16
2103 LP-05 Rev M – Landscape Details	John Lock & Associates	20/03/17
2103 LP-06 Rev D – Hardscape Details	John Lock & Associates	20/03/17
2103 LP-07 Rev D – Hardscape Details	John Lock & Associates	20/03/17
Civil Engineering Plans		
DA100 Rev 05 – Cover Sheet, Drawing Index and General Notes	C & M Consulting	14/09/16
DA200 Rev 10 – General Arrangement Plan – Carpark Level 2 – Sheet 1	C & M Consulting	12/04/18
DA201 Rev 07 – General Arrangement Plan – Carpark Level 2 – Sheet 2	C & M Consulting	12/04/18
DA202 Rev 06 – General Arrangement Plan – Carpark Level 1 – Sheet 1	C & M Consulting	12/04/18
DA203 Rev 07 – General Arrangement Plan – Carpark Level 1 – Sheet 2	C & M Consulting	12/04/18
DA204 Rev 07 – General Arrangement Plan – Warehouse Level 0 – Sheet 1	C & M Consulting	12/04/18
DA205 Rev 06 – General Arrangement Plan – Warehouse Level 0 – Sheet 2	C & M Consulting	12/04/18
DA206 Rev 03 – General Arrangement Plan – Warehouse Level 1 – Sheet 1	C & M Consulting	12/04/18
DA207 Rev 03 – General Arrangement Plan – Warehouse Level 1 – Sheet 2	C & M Consulting	12/04/18
DA231 Rev 06 – Bulk Earthworks Cut / Fill Plan & Quantities	C & M Consulting	14/09/16
DA351 Rev 05 – Site Sections	C & M Consulting	14/09/16
DA501 Rev 07 - General Details – OSD Tank	C & M Consulting	14/09/16
DA631 Rev 06 – Erosion & Sedimentation Control Plan & Details	C & M Consulting	14/09/16
DA701 Rev 04 – Environmental Site Management Plan Demolition Works – Sediment & Erosion Control Plan & Details	C & M Consulting	14/09/16
DA801 Rev 04 – Environmental Site Management Plan Demolition	C & M Consulting	14/09/16

Works – Site Vehicle Management Plan		
Supporting Reports & Studies		
Review of Contaminated Land Issues	Easterly Point	22 December 2014
Preliminary Construction Management Plan for Proposed Demolition Works	n/a	Undated
Waste Management Plan Demolition Proposal Rev A	Moits	17.12.14
Waste Management Plan	Bunnings	Undated
Stormwater Management Plan Ref R01112-SMP Rev E	C&M Consulting	September 2016
Arboricultural Assessment & Development Impact Report – RTC-8117	RainTree Consulting	24 July 2017
Arboricultural Addendum Report	RainTree Consulting	17 May 2018
Vegetation Management Plan Ref 13005RP6 Rev 6	Cumberland Ecology	20/09/16
Sustainability Report Rev D	Smith & Tzannes	23/03/17

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

2. Inconsistency between documents

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

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

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

3. Roads and Maritime Services - excavation

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Manager, External Works
 Sydney Asset Management
 Roads and Maritime Services
 PO Box 973 Parramatta CBD 2124

Telephone 8849 2114
 Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadways is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Reason: Roads and Maritime Services requirement.

4. Project ecologist

A Project Ecologist shall be commissioned by the Applicant prior to the release of the Construction Certificate to ensure all bushland/environmental protection measures are carried out in accordance with the conditions of consent.

The Project Ecologist shall have a minimum qualification of TAFE Certificate III in Bush Regeneration or Conservation and Land Management - Natural Area Restoration. He/she shall have at least 4 years' experience in the management of native bushland in the Sydney region. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifying Authority with a copy to Council.

Reason: To ensure the protection of existing biodiversity values of the site

5. Fauna protection

Prior to works commencing or any tree removal works a qualified ecologist shall investigate trees and vegetation for fauna occupation and undertake the following:

- a) Prior to the removal of any tree or vegetation any such ecologist is to install 6 nest boxes within close proximity to the area in which tree removal is being undertaken. 2 medium mammal boxes and 4 small bird or mammal boxes are to be installed within indigenous trees to be retained on the Site. Nest boxes are to be installed at a height of greater than 5m and positioned on the south-eastern side of trees.
- b) Supervise the relocation of any fauna found within the existing trees on the Site, into the installed nest boxes in accordance with appropriate licensing requirements.

The qualified ecologist must hold an Animal Ethics Permit from the Department of Industry & Investment and a wildlife licence under the *Biodiversity Conservation Act 2016* issued by the Office of Environment & Heritage.

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

Reason: To ensure the protection of fauna species.

6. Tree identification

Prior to any works commencing on the Site the existing trees shall be numbered in accordance with the Tree Management Plan 13_052 DA-A-810 Revision AF by Smith & Tzannes dated 16.5.18. Trees shall be clearly tagged with confirmation from the project arborist that all marked trees correspond with those numbered trees shown on the approved plans.

Reason: To protect existing trees during the construction phase.

7. Ausgrid - impact on existing electrical plant and equipment

Prior to construction works commencing on the Site, the applicant shall be aware of the following Ausgrid requirements:

Underground Cables

There are existing underground electricity network assets in Bridge St, Pacific Hwy, Ryde Rd and also within the subject property. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

The applicant shall locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There is an existing electricity chamber substation asset within the subject property. Please refer to Ausgrid's website, www.ausgrid.com.au for information about how to apply for the removal of existing assets from Ausgrid's network.

Should the existing substation remain onsite, or another substation be installed as a replacement the substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, the substation ventilation openings, including duct openings and louvered panels, are to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006). For further details on fire segregation requirements refer to Ausgrid's Network Standard 113 and 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

Solar panels

The applicant shall make an application for the Solar Connection via a NECF04 form on Ausgrids website. Via this application the feasibility and conditions of the proposed connection will be determined.

Reason: Ausgrid requirement.

8. Interpretation plan for the 3M Building

Prior to any demolition works commencing on the Site, the Principal Certifying Authority shall be satisfied that an Interpretation Plan has been submitted to and endorsed by Council.

An Interpretation Plan is a document that provides policies and details advice for interpreting the heritage significance of the existing building (formerly known as the "3M Building") and its site and includes detail about the interpretation media. Media can include signs, installations, displays, films, brochures or other means of communication. The Interpretation Plan shall be prepared by a suitably qualified and experienced person.

The media chosen is to clearly help the public understand and convey the significance of the 3M Building and the Site. Prior to the issue of an Occupation Certificate, the Media is to be installed near the main entrance of the approved development.

Reason: To ensure the identified heritage significance of the 3M Building is interpreted through appropriate media for future generations.

9. Maintenance of interpretation media

The installed Interpretation Media shall be maintained to a high standard in perpetuity pursuant to condition 8 of this consent.

Reason: To ensure that the significance of the 3M Building is protected through the Media Interpretation in perpetuity.

10. Site contamination and remediation

a) Prior to demolition:

A further Environmental Site Assessment shall be prepared to address the issues raised within the Review of Contaminated Land Issues document prepared by Easterly Point Environmental Pty Ltd dated 22 December 2014. A copy of the Environmental Site Assessment shall be submitted to Council and the Principal Certifying Authority.

A remediation Action plan (RAP) is to be prepared based upon existing Site information contained in the documents referenced within the Review of Contaminated Land Issues prepared by Easterly Point Environmental Pty Ltd dated 22 December 2014 and based upon the further Environmental Site Assessment as required above.

The Environmental Site Assessment and Remediation Action Plan are to be prepared by a suitably qualified contaminated land professional, experienced in contaminated site assessment and management, to address all Site contamination and remediation issues identified in the Review of Contaminated Land Issues

document prepared by Easterly Point Environmental Pty Ltd dated 22 December 2014.

b) Prior to construction:

Any remediation work that is required within the Remediation Action Plan to be completed prior to commencement of construction is to be undertaken within the timeframe and in the manner detailed within the Remediation Action Plan. Interim validation reporting of each stage of remediation shall be undertaken by a suitably qualified contaminated land professional, experienced in contaminated site assessment and management, to ensure that the Site remains safe and contamination risk is minimised through the construction period.

Reason: To comply with the requirements of State Environmental Planning Policy 55: Remediation of Land (**SEPP 55**) and to ensure environmental safety

11. Notice of proposed work (contaminated land)

A Notice of Proposed Work Form must be given by any person who proposes to carry out the Site remediation works, to Council's Development Assessment Officer in accordance with clause 16 of SEPP 55.

At least 30 days' notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 1 days' notice is required).

Clause 16 of SEPP 55 requires that the Notice must:

- be in writing,
- provide the name, address and telephone number of the person who has the duty of ensuring that the Notice is given,
- briefly describe the remediation work,
- show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1),
- specify, by reference to its property description and street address (if any), the land on which the work is to be carried out,
- provide a map of the location of the land,
- provide estimates of the dates for the commencement and completion of the work.

The following additional information must be submitted with the Notice to Council:

- copies of any preliminary investigation, detailed investigation and remediation action plan for the Site, and
- contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Reason: To comply with the requirements of SEPP 55 and ensure protection of the environment.

12. Asbestos Material Survey

Prior to the commencement of any works on the Site, a report must be prepared by a suitably qualified contaminated land professional, experienced in contaminated site assessment and management in relation to any existing building fabric approved to be demolished or disturbed. That report is to:

- a) Identify the presence or otherwise of any asbestos contamination and, if asbestos contamination is present,
- b) Make recommendations as to the work required to safely address the contamination.

Any demolition works or other works identified in the report as having to be carried out must be carried out in accordance with the recommendations of the report and the following:

- the removal of asbestos must be undertaken by a WorkCover licensed contractor;
- all removal must be in strict accordance with the requirements of the WorkCover Authority in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements.
- during the removal of any asbestos a sign stating —DANGER ASBESTOS REMOVAL IN PROGRESS must be erected in a visible position at the boundary of the site; and
- Waste disposal receipts must be provided to the Certifying Authority as proof of correct disposal of asbestos laden waste.

The report must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the report, and other plans, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or —Demolition Licence and a current WorkCover —Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily

13. Notice of Commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), the following forms shall be submitted to Council:

- a) A Notice of Commencement of building or subdivision work form and
- b) A form setting out the details of the appointment of the principal certifying authority.

Reason: Statutory requirement.

14. Notification of builder's details

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

Reason: Statutory requirement.

15. 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 comprising the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full verge, and road pavement width, including kerb and gutter, of Bridge Street, and full verge including kerb and gutter of Pacific Highway northbound and Ryde Road northbound over the Site frontage,
- All driveway crossings and laybacks opposite the Site in Bridge Street.

The report must be completed by a consulting structural or 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.

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.

16. Archival recording of buildings (heritage items)

Prior to the commencement of any development or excavation works on Site, the Principal Certifying Authority shall be satisfied that an archival report has been completed and submitted to Council's Heritage Advisor for the following properties:

Address:

- 950 Pacific Highway Pymble

The report must consist of an archival standard photographic record of the existing building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of

Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

The report must be a bound A4 report, prepared by a recognised NSW Heritage Office heritage consultant and must contain the following minimum requirements:

- title page,
- statement of reasons the recording was made,
- outline history of the item (including title records, subdivision plans, water and sewerage plans and any archival documents such as family records, old photographs, etc),
- statement of a heritage significance (to accepted Heritage Council criteria),
- specialised reports such as heritage assessments, dilapidation report, and builders or engineers reports,
- location plan showing the Site within its local context,
- Site plan to scale (1:200 - 1:500) showing all structures and Site elements,
- measured drawing including Site survey, floor plans, all elevations, roof plan and one cross section (1:00),
- drawings of specific interiors or details nominated by Council's Heritage Advisor,
- room inventories noting materials, profile of nominated decorative elements (1:2) and nominated by Council's Heritage Advisor,
- black & white archival quality photographs, contact prints, with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints),
- colour photographs (one copy with negatives).

Digital images and CDs may be submitted as supplementary information.

All photographs in the report are to be mounted, labelled and cross-referenced to the relevant Site plan and floor plans and showing the position of the recording camera. A photographic recording sheet must be included. Photographs of the following must form part of the archival report:

- each elevation,
- interior rooms nominated by Council's Heritage Advisor,
- photographs of specific details nominated by Council's Heritage Advisor,
- all structures on Site, such as sheds, outhouses and significant landscape features,
- several photographs of buildings from public streets such as Ryde Road and the Pacific Highway or laneways in the immediate vicinity of the Site, including several views showing relationship of the Site to any neighbouring buildings.

Three copies of the report must be submitted to Council's Heritage Advisor, one copy with negatives. 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 on site.

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

17. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on the site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible

and structural condition of all structures within 10 metres of the adjoining private properties, has been completed and submitted to Council:

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 or geotechnical engineer as determined necessary by that professional based on the excavations for the approved development 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.

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.

18. Geotechnical report

Prior to the commencement of any bulk excavation works on the Site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the approved basement level. The report, which is to include a dilapidation survey, is to address such matters as:

- appropriate excavation methods and techniques,
- vibration management and monitoring,
- support and retention of excavated faces,
- hydrogeological considerations,

The recommendations of the report are to be implemented during the construction of the approved works.

Reason: To ensure the safety and protection of property.

19. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (CTMP), which is to be approved by Council and Roads and Maritime Services prior to the commencement of any works on the Site.

The CTMP applies to all persons associated with demolition, excavation and construction of the approved development.

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

The report is to contain the following:

- a. Construction vehicle routes for approach and departure to and from all directions.
- b. 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 metres long heavy rigid vehicle and 19.0 metres articulated vehicle.
- c. Tree protection fencing in accordance with the Tree Management Plan 13_052 DA-A-810 Rev AF by Smith & Tzannes dated 16.5.2018 shall be indicated on the Site Plan along with the swept paths

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

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

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

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

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

20. Sediment controls

Prior to any work commencing on the 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.

21. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

22. Tree protection fencing

To preserve the following tree/s, no work shall commence until the tree protection zone 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 development work on Site.

Tree	Radius in metres
Tree's 1, 2, 3, 5, 6, 7, 10, 12, 16, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 39, 40, 41, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 66, 67, 68, 70, 71, 73, 75, 76, 77, 93, 94, 96, 97, 98, 99, , 118, 119, 120, 121, 122, 123, 124, 125, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 176, 177, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231	The fence is to be erected in accordance with the approved Tree Management plan 13_052 DA-A-810 Rev AF by Smith and Tzannes dated 16 May 2018 or as directed by the project arborist.

Reason: To protect existing trees during the construction phase.

23. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during the construction phase.

24. 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 metre 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.

25. Tree protection measures inspection

Upon installation of the required tree protection measures, an inspection of the Site by the project arborist and or the Principal Certifying Authority are required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

26. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's Waste Management controls in the Kuring-gai Development Control Plan.

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

Reason: To ensure appropriate management of construction waste.

27. Noise and vibration management plan

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

The management plan is to identify amelioration measures to achieve the best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

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

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

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

28. Design, Materials and Colours

A project architect shall be appointed to prepare the Construction Certificate plans to ensure no change is made to the external design, materials and colours as approved.

Prior to the issue of the Construction Certificate the project architect shall certify that the external design, materials and colours shown on the construction certificate plans are consistent with the approved plans and conditions of the consent.

The construction certificate plans shall also include the following amendments/clarifications:

- The soffit lining on the finishes schedule is to be timber panel soffit cladding – similar or equivalent to Trespa Pacific Board façade system;
- The coloured louvres shall be varied to represent the degree of colour gradation and variation per colonnade panel as shown in the precedent image included on the materials board to ensure the louvre system presents as an ‘artwork’ and not as a way of representing the Bunnings colour scheme or signage;
- The external walls of the main warehouse ‘box’ shall be clad in a metallic silver panel system as indicated in the drawing DA-A-853 Rev B – External Finishes & Precedent dated 20/3/2017 other than the south eastern and western corner where the feature angled cladding is shown in plan and elevation;
- The walls to the base of the louvre screen colonnade shall be clad in split face Gosford sandstone cladding to match the other low landscape walls in the proposal;
- The nursery area shall have no pallet racking above the level of the low sandstone clad base wall to the colonnade and any racking in this location shall house only plants, which can be visible through the glass blade screen;
- The wall behind the louvre screen to the bagged goods area shall not exceed 2m in height from the floor of the bagged goods area and any racking, including the product on the pallets and racks, in this location shall not exceed the height of this wall.
- All roofing of the proposal shall be of the same material as they are visible to the public domain and any solar panels are to be integrated into the roof system. The

roofing shall be a raised seam steel roof with the panels recessed between the raised seams; and

- No wire fencing or panels shall be provided in addition to the louvre screen to the colonnade

Reason: To ensure no changes to the approved external design, materials or colours as the approved design, materials and colours are critical to ensuring the building satisfies its landmark status as required under the DCP.

29. Roads and Maritime - easement for batter

The Site is subject to an easement for batter as shown on DP718718 (Dealing L652975).

Prior to the issue of the Construction Certificate, the Principal Certifying Authority is to be satisfied that proposed buildings or structures together with any improvements integral to the future use of the Site are to be contained wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary and clear of the identified easement. Access to the Roads and Maritime easement is not to be denied and the integrity of the easement is not to be compromised.

Reason: Roads and Maritime Services requirement.

30. Green Star Certification

Prior to the issue of the construction certificate the certifying authority must be satisfied that:

1. the CC plans include all the matters referred to in the ESD report prepared by *Smith and Tzannes*, Bunnings Pymble Sustainability Report, dated 23/03/2017 and any additional ESD measures proposed for the achievement of the required [4/5] (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 [4/5] (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.

31. Project arborist

Prior to the release of the Construction Certificate a Project Arborist shall be commissioned to ensure all tree protection measures are carried out in accordance with the conditions of consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years' experience.

Details of the arborist including his or her name, business name and contact details shall be provided to the Principal Certifying Authority with a copy given to Council prior to the release of the Construction Certificate.

Reason: To ensure the protection of existing trees

32. Amendments to approved engineering plans

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

Plan no.	Prepared by	Dated
01112_DA205 Revision 5	C & M Consulting engineers	12/04/18
01112_DA231 Revision 6	C & M Consulting engineers	14/09/16

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

- To preserve T93, T94, T96, T97, T98, T99 no changes in existing soil levels are permitted within the designated tree protection zones identified in the approved arborist report by Rain Tree Consulting dated 18 July 2017, or as recommended by the project arborist.
- The amended plans shall be certified by the project Arborist

An amended engineering plan, prepared by a qualified engineer and endorsed by the Project Arborist, shall be submitted to the Certifying Authority.

Reason: To ensure the protection of existing trees.

33. Ausgrid - electrical supply arrangements

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that electrical supply arrangements have been confirmed.

The supply arrangements to the development will be confirmed upon receipt by Ausgrid of a formal Connection Application form from the developer. It is likely that the establishment of a substation on the Site will be required in order to provide electricity supply to the approved development. (It is unclear from the DA drawings whether space has been allocated for a substation on the Site or if the existing substation is to be used). This will need to be addressed by the developer.

The requirements for substation sites can be found in Ausgrid's Network Standards NS141 and NS113.

Attention should be paid to the smoke and fire segregation requirements in these standards. The developer should ensure that adequate separation is achieved from the substation louvres and doors and any building ventilation inlets or outlets. Additionally, consideration should be given to the clearance from the substation of any proposed glass panelling.

Reason: Ausgrid requirement.

34. Roofing materials - Reflectivity

Roofing materials must be factory pre-finished with low glare and reflectivity properties and be consistent with the external finishes and precedent DA-A-853 Rev B dated 20-03-2017. The selected roofing material must not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development

35. Staff shower & change facilities

Shower and change facilities shall be provided and made accessible without charge to staff who work in the building. Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Reason: To promote and provide facilities for alternative forms of transport

36. 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.

Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted fully satisfy the requirements of this condition.

Reason: To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

37. Signage

No signage, other than that shown on the approved plans, shall be erected on the site without the prior written approval of Council. The colours, materials and finishes of the signage, along with the dimensions of the signage shall not be changed without the prior written approval of Council.

Signage Plan DA-A-812, rev A, dated 17/05/2018 shall be amended as follows:

- The existing hammer logo with *“Lowest prices are just the beginning”* text shown on the north-west (Bridge Street) elevation shall be relocated to the south-west to be over the driveway entry. The sign may be reduced in size if necessary.
- The hammer logo with *“Lowest prices are just the beginning”* text shown to the Ryde Road frontage is to be deleted.
- The sign shown on the wall of the warehouse building facing the nursery and bagged goods area is to be located below the level of the soffit and is to be fixed to the wall face, to be visible from within the premises and not from the adjoining road.
- Directional signage may be provided at the entry points to the pathways from Ryde and Pacific Highway indicating the pathways are publicly accessible and lead to Bridge Street. Such signage shall be no more than 1.2m in height and shall not include Bunnings logos or other signage.
- No pylon signage is to be provided to the Pacific Highway frontage and reference on the plans to this sign shall be deleted.
- The Bunnings sign to the Ryde Road frontage on the southern portion of the elevation shall have a background colour of the panel wall behind, not the Bunnings Green colour.
- The pylon sign on Bridge Street shall not exceed dimensions of 4m height above the existing ground surface and have a width not exceeding 2m. The location of the sign shall not obscure pedestrian or vehicular sight lines for vehicles entering and leaving the site and pedestrians on Bridge Street.

The signage shall not:

- project above the wall to which it is attached,
- cover any major architectural projections or windows of the wall to which it is attached,
- extend laterally beyond the wall to which it is affixed.

The signage shall not be illuminated with the exception of flood lighting.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties or public land

38. Signage design - Control of the obtrusive effects of outdoor lighting

Signage that is permitted to be lit by other conditions of consent must be designed in accordance with AS 4282-1997: Control of Obtrusive Effects of Outdoor Lighting.

Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate fully satisfy the requirements of this condition.

Reason: To maintain the amenity of adjoining land uses

39. 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.

40. Access for people with disabilities (commercial)

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

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

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

41. 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 within the canopy spread of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Alternatively if underground services must be located within the canopy spread of any protected tree/s the services plan shall be endorsed by the project arborist outlining any tree protection measures required, with a copy submitted to Council.

A plan detailing the routes of these services and trees protected under Council's Tree Preservation Order shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

Reason: To ensure the protection of trees.

42. Noise from mechanical plant

Prior to the issue of the Construction Certificate an acoustic design report shall be prepared by an appropriately qualified acoustic consultant identifying all approved mechanical ventilation equipment and other noise generating plant including, but not limited to car park and garbage room exhaust, roller shutter doors, air conditioners and any lifts proposed as part of the approved 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 when measured at the nearest adjoining property boundary.

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

43. Offensive Noise

Any noise generating equipment shall not give rise to an offensive noise as defined in the *Protection of the Environmental Operations Act 1997*. All plant and mechanical ventilation systems shall be provided with suitable sound attenuation equipment designed by a practising Acoustic Engineer so that when in operation the plant does not give rise to offensive noise.

Reason: To comply with the best practise standards for acoustic amenity.

44. Basement car parking details

Prior to issue of the Construction Certificate, a certified parking layout plan(s) to scale is to be prepared by the applicant's architect, showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority.

A qualified civil or 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" and AS2890.2 where relevant.

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

45. Design of works in public road (Roads Act approval by Council)

The applicant shall submit engineering plans and specifications prepared by a qualified consulting engineer for approval by Council's Director of Operations.

The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required:

- Installation of stormwater pipe in Bridge Street;
- New driveway crossings in Bridge Street. The profile submitted would need to start from the centreline of the public road to the property boundary; and
- The location of all underground services are to be shown for setting out for construction.

This 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 proposed in the road reserve required as part of the approved development. These works must not proceed until Council or Roads and Maritime Services have 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 and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Surveys must be undertaken as required.

Traffic management is to be certified on the drawings as being in accordance with the RMS Traffic Control at Work Sites Version 4. Construction of the works must proceed only in accordance with any conditions attached to any Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in commencing roadworks.

An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable on lodgement on any Roads Act application, and Council will withhold any consent and approved plans until full payment of the correct fees is made. 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.

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

46. Energy Australia requirements

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

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

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

47. 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 approved 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 approved development 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.

48. Design of food preparation areas

Plans and specifications for the commercial food preparation area complying with the requirements of the Food Act and Regulations, Australian Standard AS 4676 2004, AS 1668 Parts 1 and 2 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the relevant 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 areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- coolroom construction (if applicable)
- staff and public toilet facilities.

Reason: To ensure compliance with standards for food premises.

49. Garbage and recycling facilities - Commercial Premises

A screened area that is not visible from Ryde Road or the Pacific Highway shall be provided on the Site that contains adequate area for storage of garbage and recycling waste bins. A tap is located in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

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

50. Infrastructure restorations fee

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Damage Security Bond and Infrastructure Inspection Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate or commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the approved development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Damage Security Bond payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the *Local Government Act 1993 (NSW)* or any public place; and

“Infrastructure Damage Security Bond and Infrastructure Inspection Fee” means the Infrastructure Damage Security Bond and Infrastructure Inspection Fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

51. Development Contributions – Centres

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

Key Community Infrastructure	Amount
Pymble Town Centre New Roads and Roads Modifications	\$3,455,453.58
Total:	\$3,455,453.58

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

The contributions specified above are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect

changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

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

The payment of the development contribution may include a credit for 'Works in Kind' to reduce the total amount payable, where an agreement between the Applicant and Council exists, to the extent that works the subject of this consent are identified in a Contributions Plan Works Schedule.

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

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

52. 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.

53. 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:

1. The work must be carried out in accordance with the requirements of the Building Code of Australia.
2. 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, such a contract of insurance must be in force before any works commence.
3. 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 their 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.

54. 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.

Demolition and/or excavation using machinery of any kind 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 demolition and/or excavation using machinery of any kind 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 regulatory action.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

55. Roads and Maritime Services - during construction

A Road Occupancy Licence should be obtained from the Transport Management Centre at RMS for any works that may impact on traffic flows on Pacific Highway and Ryde Road during construction activities on the Site.

All demolition and construction vehicles are to be contained wholly within the Site and vehicles must enter the Site before stopping. Construction zones will not be permitted on Pacific Highway or Ryde Road.

Reason: Roads and Maritime Services requirement.

56. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall comply with the approved Noise and Vibration Management Plan (approved in Condition 27) and 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 occupants during the construction process.

Landscape Works

To avoid tree impacts all landscape works such as soil preparation, soil spreading, mulching and planting shall be carried out by hand within the specified radius of the following trees.

Tree	Radius in metres
Tree's 5, 6, 7, 10, 12, 16, 23, 24, 27, 28, 29, 60, 61, 62, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76, 77, 93, 94, 96, 97, 98, 99, 118, 119, 120, 121, 122, 123, 124, 125, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 153, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 176, 177, 179, 180, 181, 182, 184, 186, 188, 189, 190, 191, 192, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 212, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231,	5 metres

Reason: To protect existing trees.

57. Remedial Action Plan (contaminated land)

The remediation work must be carried out in accordance with the Remedial Action Plan approved under this consent and all relevant guidelines issued under the *Contaminated Land Management Act*.

Reason: To ensure the proper management of contaminated land.

58. 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 this consent.

59. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council.

A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reason: To protect public infrastructure.

60. Statement of compliance with Australian Standards

The approved 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 engineer that the proposal contained in the work plan complies 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.

61. 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 occupants during the construction process.

62. 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 or 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.

63. 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.

64. 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, and
- have written confirmation from the suitably qualified person that there is no adverse structural damage to buildings, 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.

65. Further geotechnical input

The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report prepared prior to the commencement of works. Over the course of the works, a qualified geotechnical or hydrogeological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

66. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the approved 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,
- hydrogeological considerations,

must be undertaken in accordance with the recommendations of the geotechnical report prepared prior to commencement of the approved works. 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).

DPI Water has requirements for licencing and tanking of basements where dewatering is to occur. All works are to comply with any requirements of DPI Water.

Reason: To ensure the safety and protection of property.

67. 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 immediately adjacent to the Site boundaries without prior written approval being obtained from Council. Any road or footpath immediately adjacent to the Site boundaries shall be kept in a clean, tidy and safe condition during building works. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the person carrying out the development in reliance upon this consent.

Reason: To ensure safety and amenity of the area.

68. Guarding excavations

All excavation, backfilling, 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.

69. 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.

70. Protection of public places

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

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

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

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

Reason: To protect public places.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. Temporary rock anchors

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

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

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

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

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

77. Arborist's report

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

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

Tree	Time of inspection
Tree's 1, 2, 3, 5, 6, 7, 10, 12, 16, 22, 23, 24, 27, 28, 29, 176, 177, 179, 180, 181, 182, 184, 185, 186, 188, 189, 190, 191, 192, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209	At the commencement of the earthworks for the dual driveways off Bridge Street followed by 2 weekly inspections until the completion of the earthworks, then 4 weekly inspections until the completion of the driveways and ramps.
Tree's 1, 2, 3, 5, 6, 7, 10, 12, 16, 22, 23, 24, 27, 28, 29, 150, 176, 177, 179, 180, 181, 182, 184, 185, 186, 188, 189, 190, 191, 192, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209	At the commencement of the earthworks for the stormwater followed by 2 weekly inspections until the completion of the stormwater works
Tree's 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 48, 49, 50, 51, 52, 53, 54, 55, 57, 59, 60, 61, 62, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76, 77, 93, 94, 96, 97, 98, 99, , 118, 119, 120, 121, 122, 123, 124, 125, 140, 150, 159, 160, 161, 162, 163, 164, 165, 166, 167, 212, 218,	At the commencement of the approved bulk earthworks for the basement car parking followed by 2 weekly inspections until the completion of the earthworks, then 8 weekly inspections up until the completion of all works on site.
Trees 150, 153, 155, 156, 157, 212, 219	At the commencement of the earthworks for the pedestrian path between the northern end of the Pacific Hwy and Bridge Street followed by 2 weekly inspections until the completion of the path.

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

Reason: To ensure protection of existing trees.

78. Trees on nature strip

Removal or pruning of the following tree/s from Council's nature strip as specified in the following table shall be undertaken at no cost to Council by an experienced tree removal contractor or arborist holding public liability and professional indemnity insurance amounting to a minimum cover of \$20,000,000.

All pruning works shall be undertaken by an experienced Arborist or Horticulturist, with a minimum AQF Level 3 qualification as specified in AS 4373-2007 - Pruning of Amenity Trees.

Tree
Tree 69, 72, 74, 75, 95, 100, 110, 111, 112, 116, 139, 213, 232

Reason: To ensure protection of existing trees.

79. Treatment of tree roots

If tree roots and branches are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum AQF Level 3 qualification. All root and branch pruning works shall be undertaken as specified in AS 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

80. Cutting of tree roots

Tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall not be severed or injured in the process of any works during the construction period.

All pruning of roots less than 50mm in diameter shall be undertaken by an experienced Arborist or Horticulturist, with a minimum AQF Level 3 qualification as specified in AS 4373-2007 - Pruning of Amenity Trees:

Trees	Radius in metres
Tree's 27, 28, 29,	4 metres
Tree's 93, 94	3.6 metres
Tree 96	2.4 metres
Tree 97, 98, 99	4.2 metres
T155, T156	4.0 metres

Reason: To protect existing trees.

81. Approved tree works

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

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

Tree	Approved Tree Works
Tree's 4, 8, 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 25, 26, 42, 43, 44, 45, 46, 47, 63, 64, 69, 72, 74, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 149, 151, 152, 154, 174, 175, 178, 193, 211, 213, 214, 215, 216, 217, 232,	Remove
Tree's 27, 28, 29 30, 150, 176, 179, 180, 181, 190, 191, 192	Pruning works as specified by the project arborist to enable the construction of the approved building works. Note: Canopy pruning of trees located within the adjoining properties is only permitted within the subject site. No consent is permitted to carry out works on adjoining properties.

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

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

82. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

83. Removal of refuse

All builders' refuse, spoil 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.

84. 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.

85. 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:

Prior to the release of the Occupation Certificate the following works as outlined below as detailed within the updated Vegetation Management Plan, requested by Schedule A of this consent, are to be completed.

- All works detailed within the VMP pre-construction activities, plantings of compensatory canopy trees, shrubs and groundcovers, weed control, revegetation, maintenance and monitoring are to be carried out in accordance with the VMP.
- Planting to be undertaken within the Blue Gum High Forest within the site are to be species characteristic of Blue Gum High Forest in accordance with the Vegetation Management Plan. All trees and plant material to be planted is to be of local provenance sourced from parent material within Ku-ring-gai or Hornsby LGA's.
- All fencing as detailed within the VMP is to be installed prior to works commencing.
- All noxious and environmental weeds are to be removed from the Blue Gum High Forest community within the site in accordance with the VMP.
- All vegetation management actions as specified in the VMP shall be carried out by suitably qualified and experienced bush regenerators. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Bushland Regeneration with two years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Bushland Regeneration with one year demonstrated experience (for other personnel). In

addition, the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).

- VMP monitoring works are to be commenced prior to the issue of an occupation certificate, undertaken by an engaged bushland restoration contractors or a suitably qualified and experienced landscape architect, horticulturist, bush regenerator or ecologist. The rehabilitation actions identified in this VMP are to be monitored. Monitoring is to be undertaken throughout the entire contract period. Monitoring and maintenance works are to be undertaken for a minimum period of 5 years with 6 monthly reports are to be provided to the Principal Certifying Authority and Copied to Council's Ecologist.

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

86. Blue Gum High Forest management unit areas -Section 88b instrument

Prior to release of the Occupation Certificate, a positive covenant and restriction on the use of land are to be created under Section 88B of the Conveyancing Act 1919, burdening the lot with the requirement to maintain the management zones 1, 2 & 3 within Blue Gum High Forest community offset areas as identified in the approved Vegetation Management Plan (VMP) and in perpetuity in accordance with the approved VMP.

Council is to be named as the authority to release, vary or modify the burdens.

Reason: To ensure that critically endangered Blue Gum High Forest management zones are protected.

87. Removal of noxious plants & weeds

All noxious or environmental weed species shall be removed from the Site by ecologically sustainable practices prior to the issue of the Occupation Certificate.

88. Construction of food preparation and storage areas

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

Reason: To ensure compliance with standards for food premises.

89. Garbage and recycling facilities – Commercial Premises

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that a screened waste storage area that is not visible from Ryde Road or the Pacific Highway has been provided on the site that contains adequate area for storage of garbage and recycling waste bins. A tap is located in close proximity to facilitate cleaning.

Reason: To protect residential amenity and prevent environmental pollution.

90. Parking restrictions - Bridge Street

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the Ku-ring-gai Traffic Committee has given approval to parking restrictions near the Bridge Street access points, to maintain accessibility and sight distance. This is most likely to require a No Stopping restriction to be installed between the proposed customer access point and the access to the public carpark at 20 Bridge Street.

Application to Council's Traffic Section should be made early in the construction period, to avoid delays.

Reason: Public safety.

91. Signposting inside carpark

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a "No Exit" sign and appropriate line-marking have been placed within the carpark at the entry point from Ryde Road.

Reason: To discourage motorists from trying to exit onto Ryde Road via the entry point.

92. Heritage interpretation

Prior to the release of any occupation certificate, the Principal Certifying Authority shall be satisfied that heritage interpretation media as specified by the approved Interpretation Plan has been installed near the main entrance of the new development.

Evidence of registration of on the Certificate of Title to the Site of a Positive Covenant 88E Instrument ensuring the retention and upkeep of the media on the Site in perpetuity title shall be submitted to the Principle Certifying Authority prior to the release of the occupation certificate. The 88E instrument must stipulate Council having the power to vary and modify.

Reason: To ensure the identified heritage significance of the building is interpreted via appropriate media for future generations.

93. Site remediation - validation

The Site is to be remediated and validated in accordance with the remediation action plan prior to the release of the Occupation certificate.

A remediation and validation report shall be submitted to the Principal Certifying Authority and Council, that details the works conducted, the validation findings and conclusions regarding the site's suitability.

Any variation to the proposed RAP shall be approved in writing by that suitably qualified person and Council prior to the commencement of such work.

Reason: SEPP 55 and environmental safety

94. Asbestos Clearance Certificate

For building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to and approved by the Certifying Authority (and a copy forwarded to Council if it is not the Certifying Authority) for the building work prior to the issue of any Occupation Certificate, the asbestos clearance certificate must certify the following: -

- a) the building/ land is free of asbestos; or
- b) the building/ land has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au <<http://www.epa.nsw.gov.au>>

Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants

95. Vehicle egress signs

Prior to the issue of an Occupation Certificate, appropriate sign(s) must be provided and maintained within the Site at the point(s) of vehicular egress to ensure all vehicles stop before proceeding onto the public way.

Reason: To ensure pedestrian safety

96. Verification statement (external finishes and materials)

Prior to the issue of any Occupation Certificate, a verification statement from a qualified designer or architect (preferably the original designer), must be submitted to Council and the Certifying Authority certifying that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this consent.

“qualified designer” means a person registered as an architect in accordance with the Architects Act 2003 of 50(1A) EP & A Regs 2000.

Reason: To ensure the design quality and finishes for residential flat development

97. Pedestrian through site link - registration on title

The pedestrian through Site links between Bridge Street and the Pacific Highway and Bridge Street and Ryde Road shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, before the date of the issue of the occupation certificate, to ensure its availability for use by the public during daylight hours.

Reason: To provide safe pedestrian permeability and street activation.

98. Pedestrian through site link - signposts and lighting

Outdoor lighting of the through site links that complies with AS/NZ1158.3:1999 pedestrian Area Lighting and AS4282:1997 Control of the Effects of Outdoor Lighting must be provided, and must be sufficient to provide safe public access in accordance with the principles of Crime Prevention Through Environmental Design.

The pedestrian through Site link is to be signposted in a prominent position at both street frontages indicating the public availability of the pedestrian through link during daylight hours. The signposts (including their placement) are to be provided to the satisfaction of the Principal Certifying Authority, prior to issue of an Occupation Certificate.

Reason: To provide safe pedestrian permeability and street activation.

99. Mechanical ventilation

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

- (a) The installation and performance of the mechanical ventilation systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
- (b) The operation of the mechanical ventilation systems and other noise generating plant in isolation or in association with other equipment shall emit a noise level of not greater than 5dB(A) above background when measured at the nearest adjoining boundary and not be audible in a habitable room of any residential premises between 10pm and 7am. 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 prior to the issue of the Occupation Certificate.

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

100. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious 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.

101. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88B or 88E of the *Conveyancing Act 1919*, burdening the Site with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to Part 24R.8.2 of Ku-ring-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 reuse and retention 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 to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

102. Certification of drainage works

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans,
- the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Development Control Plan have been achieved,
- retained water is connected and available for use,
- all grates potentially accessible by children are secured,
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia,
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Evidence from a qualified and experienced consulting civil or 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.

103. WAE plans for stormwater management and disposal

Prior to issue of the Occupation Certificate, a registered surveyor must provide a Works as Executed (WAE) 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.

104. 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 88B or 88E of the *Conveyancing Act 1919*, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to Part 24R.8.1 of Ku-ring-gai DCP). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To protect the environment.

105. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

106. Certification of as-constructed driveway/carpark

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

- the as-constructed car park complies with the approved Construction Certificate plans,
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions,
- finished driveway gradients and transitions will not result in the scraping of the underside of cars,
- the vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking" and AS2890.2, where relevant, are met from the public street into and within the applicable areas of the basement carpark.

Evidence from a suitably qualified and experienced traffic or civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

107. 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 drainage works have been completed in the road reserve in accordance with the Roads and Maritime Services and Council Roads Act approvals 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 Roads and Maritime Services and Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the approved stamped drawings and Works Authorisation Deed. The works must be subject to inspections by Council and/or Roads and Maritime Services 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 Roads and Maritime Services and Council.

108. 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.

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

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

109. Green Star Rating

- a) Prior to the issue of OC, an up to date Green Star credit schedule demonstrating sufficient credits to achieve a GBCA certified outcome of [4/5] (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 contractor (and associated sub-contractors) has carried out the works in accordance with the Green Star standards required to achieve the Green Star - Design & As Built certification.
- b) Prior to the issue of OC, the owner is to provide to the Certifying Authority a notice from GBCA confirming documentation has been submitted for the final “As Built” component of the Certification.
- c) Within 3 months of the OC being issued the owner is to submit to the council a copy of the GBCA Green Star - Design & As Built Certificate confirming the achievement of a [4/5] (or greater) Green Star Rating.

Reason: To ensure that the building meets anticipated Ecologically Sustainable Design (ESD) outcomes.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:**110. Sydney Water Section 73 Compliance Certificate**

Prior to release of the linen plan or issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

Reason: Statutory requirement.

111. Construction of works in public road

Prior issue of the Subdivision Certificate (for the dedication of land as public road) any road, footpath and/or drainage works in the public road must be completed in full, inspected and approved by Roads and Maritime Services and Council. The applicant's designing engineer is to provide certification upon completion that the works were constructed in accordance with the authority-approved drawings. This certification shall be provided prior to release of the linen plan or issue of the Subdivision Certificate. The completed works are to be approved by Council and Roads and Maritime Services prior to release of the linen plan or issue of the Subdivision Certificate.

Reason: To ensure completion of all road, footpath and/or drainage works in the public road.

CONDITIONS TO BE SATISFIED AT ALL TIMES:**112. Signage illumination intensity**

The sign(s) must be installed and used at all times in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:

- At no time is the intensity and hours of lighting of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.

- The level of lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.
- The signage lighting must not flash.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

113. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To ensure the acoustic amenity of surrounding properties

114. Noise control - plant and machinery

All noise generating equipment associated with mechanical ventilation systems, plant and machinery shall be located and soundproofed so the equipment shall emit a noise level of not greater than 5dB(A) above the background when measured at the nearest adjoining boundary and not be audible in a habitable room of any residential premises between 10pm and 7am. The background (LA90, 15 min) level is to be determined without the source noise present.

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

115. Car parking

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of the site. On site car parking spaces are not to be used by those other than an occupant, visitor or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building. These requirements are to be enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919

Reason: To ensure adequate provision of visitor parking spaces.

116. Loading and unloading

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

Reason: To ensure safe traffic movement.

117. 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.

118. Hours of operation

At all times, the hours of operation are to be restricted to:

Monday to Friday **6am to 10pm**

Saturday, Sunday and public holidays **6am to 7pm**

Reason: To protect the amenity of the area.

119. Storage in Outdoor Areas

The nursery area shall not be provided with any pallet racking above the level of the low sandstone clad base wall to the colonnade. Any racking in this location shall house only plants, which can be visible through the glass blade screen.

The wall behind the louvre screen to the bagged goods area shall not exceed 2m in height from the floor of the bagged goods area and any racking, including the product on the pallets and racks, in this location shall not to exceed the height of this wall.

Reason: To ensure the visual amenity of the Pacific Highway frontage is maintained.