

**WITHOUT PREJUDICE DRAFT CONDITIONS OF CONSENT**  
 (with Applicant's proposed amendments in tracking)

**Application No.:** DA0307/17

**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.

**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
<b>Architectural Plans</b>		
DA-A-010 Rev S.34 – site Plan	Smith & Tzannes	10/12/18
DA-A-011 Rev S.34 – site Plan Demolition works	Smith & Tzannes	10/12/18
DA-A-100 Rev S.34 – Carpark Level 2	Smith & Tzannes	10/12/18
DA-A-101 Rev S.34 – Carpark Level 1	Smith & Tzannes	10/12/18
DA-A-102 Rev S.34 – Warehouse Level 0	Smith & Tzannes	10/2/18
DA-A-103 Rev S.34 – Warehouse Level 1	Smith & Tzannes	10/12/18
DA-A-104 Rev S.34 – Roof Plan	Smith & Tzannes	10/12/18
DA-A-200 Rev S.34 – Pacific Highway and Ryde Rd Elevations	Smith & Tzannes	10/12/18
DA-A-201 Rev S.34 – Sth-West & Bridge St Elevations	Smith & Tzannes	10/12/18
DA-A-202 Rev S.34 - Sections	Smith & Tzannes	10/12/18
DA-A-310 Rev S.34 – Screen Elevations Detail + Colour Scheme	Smith & Tzannes	10/12/18
DA-A-203 Rev B - Elevational Section	Smith & Tzannes	20/03/17

DA-A-311 Rev S.34 – Part Elevation Typical Entrance Screen	Smith & Tzannes	10/12/18
<a href="#">DA-A-801 – Waste Management Plan</a>	<a href="#">Smith &amp; Tzannes</a>	<a href="#">5/12/14</a>
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
DA-A-SK002 – Bunnings Sign	Smith & Tzannes	15/10/18
DA-A-SK003 - Section through PV	Smith & Tzannes	15/10/18
<b>Landscape Plans</b>		
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
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
<b>Civil Engineering Plans</b>		
DA100 Rev 05 – Cover Sheet, Drawing Index and General Notes	C & M Consulting	14/09/16
DA200 Rev 11 – General Arrangement Plan – Carpark Level 2 – Sheet 1	C & M Consulting	23/11/18
DA201 Rev 08 – General Arrangement Plan – Carpark Level 2 – Sheet 2	C & M Consulting	23/11/18
DA202 Rev 07 – General Arrangement Plan – Carpark Level 1 – Sheet 1	C & M Consulting	23/11/18
DA203 Rev 08 – General Arrangement Plan – Carpark Level 1 – Sheet 2	C & M Consulting	23/11/18

DA204 Rev 08 – General Arrangement Plan – Warehouse Level 0 – Sheet 1	C & M Consulting	23/11/18
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DA205 Rev 07 – General Arrangement Plan – Warehouse Level 0 – Sheet 2	C & M Consulting	23/11/18
DA206 Rev 04 – General Arrangement Plan – Warehouse Level 1 – Sheet 1	C & M Consulting	23/11/18
DA207 Rev 04 – General Arrangement Plan – Warehouse Level 1 – Sheet 2	C & M Consulting	23/11/18
DA231 Rev 07 – Bulk Earthworks Cut / Fill Plan & Quantities	C & M Consulting	23/11/18
DA351 Rev 06 – site Sections	C & M Consulting	12/04/18
DA501 Rev 07 - General Details – OSD Tank	C & M Consulting	14/09/16
DA631 Rev 06 – <a href="#">Sediment &amp; Erosion</a> <del>&amp; Sedimentation</del> 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		
<b>Supporting Reports &amp; Studies</b>		
Review of Contaminated Land Issues except:	Easterly Point	22 December 2014
as amended and updated by Additional Environmental site Assessment and Remedial Action Plan	Environmental Investigation Services	26 November 2018
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
Heritage Interpretation Plan	Freeman Ryan Design	<a href="#">9</a> November 2017

Archival Photographic Recording	Nathanael Hughes, DFP Planning and Paul Davies Pty Ltd	May - July 2017
Measured drawings.	Drawings A1 – A10 (inclusive) Issue A	June 2017
Building Code of Australia – cover letter.	Norman Disney & Young	23 November 2018.

**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 and documents referred to above, the conditions of this Development Consent prevail.

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

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

### ~~3.1. 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 or 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 proposed to be carried out.~~

~~**Reason:** Roads and Maritime Services requirement.~~

[Applicant Note: This condition was requested by RMS in its letter dated 3 July 2018. Relocating the proposed condition to 'prior to CC' (as proposed below) is consistent with the RMS letter. If the draft condition was not relocated as proposed, it could be interpreted as being required to be satisfied prior to demolition works which is illogical as it is a requirement that relates to construction. The Applicant notes that the depth of excavation works in this

development will require a CC.]

#### **4.3. Project ecologist**

A Project Ecologist shall be commissioned by the Applicant prior to the issue of any Construction Certificate to ensure that any bushland or environmental protection measures are carried out in accordance with the conditions of Development 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 his or her name, business name and contact details shall be provided to the Principal Certifier with a copy to Council.

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

#### **5.4. Fauna protection**

Prior to the commencement of any works, including any tree removal works, a qualified ecologist shall investigate the trees and vegetation approved for removal, for any fauna occupation and shall 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 are to be positioned on the south-eastern side of trees, and
- 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 [scientific wildlife](#) licence under the *Biodiversity Conservation Act 2016* issued by the Office of Environment & Heritage.

**[Applicant Note:** [We are informed by Cumberland Ecology that they hold the above permits and licences which are appropriate and sufficient in order to undertake the works required by this condition.\]](#)

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

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

#### **6.5. 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.

#### **7.6. Ausgrid - impact on existing electrical plant and equipment**

Prior to construction works commencing on the site, the Applicant must familiarise

itself with the following Ausgrid requirements:

#### Underground Cables

There are existing underground electricity network assets in Bridge St, Pacific Hwy, Ryde Rd and also within the site. Special care should also be taken to ensure that driveways and any other construction activities that are to be carried out within the footpath area in the vicinity of any of the site's boundaries 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, that may have been undertaken 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 site. Please refer to Ausgrid's website: [www.ausgrid.com.au](http://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 and any ventilation openings thereon (including substation duct openings and louvered panels), must be separated from any building air intake and exhaust openings, natural ventilation openings and from any 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 any 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 any such 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 approved 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 rights of way 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 must make an application for the Solar Connection via a NECF04 form on Ausgrid's website. Via this application the feasibility and conditions of the proposed connection will be determined.

**Reason:** Ausgrid requirement.

### **8.7. Maintenance of interpretation media**

The installed Interpretation Media referred to in the Heritage Interpretation Plan prepared by Freeman Ryan Design dated November 2017 shall be maintained to a high standard and in perpetuity.

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

### **9.8. site contamination and remediation**

Prior to construction:

Any remediation work that is required within the Remediation Action Plan prepared by Environmental Investigation Services as listed in Condition 1, is to be completed prior to commencement of construction and is to be undertaken within the timeframes and in the manner detailed within the Remediation Action Plan. Interim and final 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

### **10.9. 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.



#### **11.10. 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 (who is 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 Principal Certifier as proof of correct disposal of asbestos laden waste.

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

Any 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 that the long -term health of any workers on the site and any occupants of the approved building are not unnecessarily put at risk.

#### **12.11. 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 Certifier.

**Reason:** Statutory requirement.

#### **13.12. Notification of builder's details**

Prior to the commencement of any development or excavation works on the site, the Principal Certifier 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.

**14.13. Dilapidation survey and report (public infrastructure)**

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

Public infrastructure

- Full verge, and road pavement width, including the kerb and gutter of Bridge Street, and the 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 construction of the approved 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 Certifier prior to the commencement of any excavation works.

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

**15.14. Dilapidation survey and report (private property)**

Prior to the commencement of any demolition or excavation works on the site, the Principal Certifier shall be satisfied that a dilapidation report has been completed and submitted to Council, which documents the visible and structural condition of any structures within 10 metres of the adjoining private properties.

The dilapidation report must include a photographic survey of any adjoining properties and detail 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, having regard to the excavations for the approved development and the recommendations of the approved geotechnical report.

In the event that access is denied by any relevant property owner for the carrying out of the dilapidation survey, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reasons 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 being 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 any damage that may have occurred to adjoining properties as a result of the carrying out of the works approved under this consent.

**Reason:** To record the structural condition of likely affected properties before works commence.

#### **~~16.~~15. Geotechnical report**

Prior to the commencement of any bulk excavation works on the site, the Applicant shall submit to the Principal Certifier, the results of the detailed geotechnical investigation, which are to comprise 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 the following matters:

- Any appropriate excavation methods and techniques,
- Any vibration management and monitoring,
- The support and retention of excavated faces, and
- Any 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.

#### **~~17.~~16. 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 any persons who carry out or are otherwise associated with the 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 all approach and departure routes to and from the site.
- b. A site plan showing all 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 a 19.0 metre 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, which is to be annotated 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, and
- 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 any 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, who will be patrolling the site regularly. 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 of the site and the areas in the vicinity of the site and ensures the ongoing safety and protection of people.

#### **18.17. Sediment controls**

Prior to any work commencing on the site, all sediment and erosion control measures are to 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.

#### **19.18. Erosion and drainage management**

No earthworks or demolition works are to commence until an erosion and sediment control plan is submitted to, and is approved by the Principal Certifier. The erosion and sediment control 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 are to be implemented to comply with the erosion and sediment control plan.

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

#### **20.19. Tree Protection Fencing – amended plans**

Prior to the commencement of works, the following plans are to be amended to identify any tree protection fencing that has been endorsed by the project arborist. Such plans are to be submitted to the Principal Certifier:

- (a) Environmental site Management Plan by C&M Consulting Engineers, Plan No. DA701 Revision 4;
- (b) Environmental site Management Plan by C&M Consulting Engineers, Plan No. DA801 Revision 4;
- (c) Waste Management Plan by Smith & Tzannes, Plan No. 13\_052 DA-A-801.

#### **21.20. Tree protection fencing**

To preserve the following tree/s, no work shall commence until the tree protection zones are fenced off at the specified radius from the tree 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 construction 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.

### **22.21. Tree protective fencing type galvanised mesh**

Prior to the commencement of any constructions works on the site, the tree protection fencing is to be installed. Such fencing is to be constructed of galvanised pipe at 2.4 metres spacings and must be connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.

**Reason:** To protect existing trees during the construction phase.

### **23.22. Tree protection signage**

Prior to works commencing, all tree protection signage is to be attached to each tree protection zone and be displayed in a prominent position. Such signs are to be repeated at 10 metre intervals or closer, wherever 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.
- The name, address, and telephone number of the developer.

Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report, which is to be submitted to the Principal Certifier, and which is to provide proof that no other alternative is available.

**Reason:** To protect existing trees during the construction phase.

### **24.23. Tree protection measures inspection**

Upon installation of the required tree protection measures, the project arborist or the Principal Certifier are to inspect the site to verify that all tree protection measures comply with all relevant conditions of this consent.

**Reason:** To protect existing trees during the construction phase.

#### ~~25.~~24. **Construction waste management plan**

Prior to the commencement of any works, the Principal Certifier shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared to comply with Council's Waste Management controls in the Ku-ring-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.

#### ~~26.~~25. **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 Certifier.

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

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

- The identification of the specific activities that will be carried out and any associated noise sources therefrom;
- The identification of all or any potentially affected sensitive receivers, including residences, commercial premises and properties containing any 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;
- The determination of appropriate noise and vibration objectives for each identified sensitive receiver;
- Any noise and vibration monitoring, reporting and response procedures;
- The assessment of any potential noise and vibration from the approved demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions;
- A description of any specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction;
- Any construction timetabling that is proposed to be implemented in order to minimise any noise impacts including the times of and any duration restrictions of such timetabling and respite periods or frequencies **of noise generating activities**;
- Any procedures for notifying surrounding occupants of construction activities that are likely to adversely impact upon their amenity through noise and vibration;
- Any contingency plans to be implemented in the event of non-compliances and noise complaints;

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

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

### 26. 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 or 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 proposed to be carried out.

Reason: Roads and Maritime Services requirement.

[Applicant Note: As noted above, this condition was requested by RMS in its letter dated 3 July 2018. Relocating the proposed condition to 'prior to CC' is consistent with the RMS letter. If the draft condition was not relocated as proposed, it could be interpreted as being required to be satisfied prior to demolition works which is illogical as it is a requirement that relates to construction. The Applicant notes that the depth of excavation works in this development will require a CC.]

### **27. Design, Materials and Colours**

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

Prior to the issue of any 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 this Development Consent.

The Construction Certificate plans shall also include the following amendments and 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 approved under condition 1 of this consent, 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 elsewhere in the approved development;
- The nursery area shall have no pallet racking above the level of the low sandstone clad base wall to the colonnade. Any racking in this location is to house only plants, which can be visible through the glass bladescreen;
- 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. Any racking in this location (including the product on the pallets and racks) shall not exceed the height of this wall.
- Any [material used for the](#) roofing of the approved development is to be consistent throughout as it is visible from the public domain and any solar panels are to be integrated into the roof system. ~~Any 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 that the approved design, materials and colours satisfy the approved building's 'landmark' status as required under the DCP.

**Applicant Note:** The reference to 'raised seam steel roof' utilises incorrect terminology. Raised seam roofing is typically used in domestic or small scale roofing installations. The size and area of the roof will require a commercially available interlocking roof sheet. Recessing the panels between the raised seams would require custom solar panels to be designed and would also require a custom roof profile to be created.

Drawing DA-A-SK-003 provides an image of the proposed PV installation. Each panel will be butted against the next panel creating a smooth panelled roof where the solar panels are installed. Installing the panels in this manner provides an efficient use of roof space and a clean design.]

## **28. Additional architectural plan**

~~Prior to the issue of any Construction Certificate, the Applicant is to provide to the Principal Certifier a plan which identifies that:~~

- ~~(a) The curved roof and pitched roof of the proposal are to be constructed in the same materials;~~
- ~~(b) Any solar panels are to be integrated into the roof system; and~~
- ~~(c) The roofing throughout is to comprise a raised seam steel roof with the panels recessed between the raised seams.~~

**Applicant Note:** See comment above re. condition 27]

## **29.28. 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 any Construction Certificate, the Principal Certifier 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 be clear of the identified easement. Access to the Roads and Maritime easement is not to be denied and the integrity of that easement is not to be compromised.

**Reason:** Roads and Maritime Services requirement.

### **30-29. Green Star Certification**

Prior to the issue of any Construction Certificate the Certifier must be satisfied that:

1. The approved 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
2. The approved 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 any Construction Certificate a Project Arborist shall be commissioned to ensure all tree protection measures will be carried out in accordance with the conditions of this Development 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 Certifier with a copy given to Council prior to the issue of the Construction Certificate.

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

### **32. Amendments to approved engineering plans**

Prior to the issue of any Construction Certificate, the Certifier must 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 any other conditions of this Development Consent:

<b>Plan no.</b>	<b>Prepared by</b>	<b>Dated</b>
01112_DA205 Revision 7	C & M Consulting engineers	23/11/18
01112_DA231 Revision 7	C & M Consulting engineers	23/11/18

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 prepared 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 Certifier.

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

### **33. Ausgrid - electrical supply arrangements**

Prior to the issue of any Construction Certificate, the Principal Certifier must be satisfied that all 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. 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 precedents depicted on DA-A-853 Rev B dated 20-03-2017. The selected roofing material must not cause any glare nuisance or excessive reflectivity to any adjoining or nearby properties. Plans and specifications which comply with this condition must be submitted to the Certifier for approval prior to the issue of any Construction Certificate.

The Certifier must ensure that the building plans and specifications submitted with and referenced on 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 arise from the approved development.

### **35. Staff shower & change facilities**

Shower and change facilities shall be provided and made accessible without charge to any staff that work in the building. Prior to the issue of any Construction Certificate, the Applicant is to submit to the Certifier for approval, plans and specifications to demonstrate compliance with this condition.

The Certifier must ensure that the submitted plans and specifications, as referenced on and which accompany 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 any Construction Certificate, the Certifier 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.

Prior to the issue of any Construction Certificate, the Applicant is to submit to the Certifier, details demonstrating compliance with this condition.

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

**Reason:** To provide high quality external lighting for security without any adverse impacts upon public amenity, arising from excessive illumination levels.

### 37. Signage

No signage, other than that shown on the approved plans, is to be erected on the site without the prior written approval of Council. None of the colours, materials, dimensions and finishes of the signage shall be changed without the prior written approval of Council.

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

- Directional signage may be provided at the entry points to the pathways from Ryde and Pacific Highway indicating that 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 any Bunnings logos or other signage.
- No pylon signage is to be provided to the Pacific Highway or Ryde Road frontages and any references on the approved plans to this sign are to be deleted.
- The Bunnings sign to the Ryde Road frontage on the southern portion of the elevation shall have the background colour of the panel wall behind, and not the Bunnings Green colour.
- The pylon sign on Bridge Street shall not exceed dimensions of 6m height above the existing ground surface, with a width not exceeding 2m. That sign is to be located in a position so as not to obscure any pedestrian or vehicular sight lines for vehicles entering and leaving the site, or of any 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.

Prior to the issue of any Construction Certificate, the Applicant must submit to the Principal Certifier for approval, plans and specifications demonstrating compliance with this condition.

The Certifier must ensure that the submitted building plans and specifications, and as 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**

Any signage that may be permitted to be lit by other conditions of this consent is to be designed to comply with AS 4282-1997: Control of Obtrusive Effects of Outdoor Lighting.

Prior to the issue of any Construction Certificate, the Applicant must submit to the Certifier for approval, plans and specifications that demonstrate compliance with this condition.

The Certifier must ensure that the submitted building plans and specifications, and as referenced on and which accompany the issued Construction Certificate, comply with the requirements of this condition.

**Reason:** To maintain the amenity of any 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 any Construction Certificate, the Certifier shall be satisfied that access from the public domain and all car parking areas on the site to all tenancies within the approved building for people with disabilities 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 Certifier 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 AS1735.12.

**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 Certifier 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, which is located on the site or on any adjoining allotments, and which may be protected under Council's Tree Preservation Order.

Alternatively if any underground services must be located within the canopy spread of any protected tree/s, the services plan is to be endorsed by the project arborist, outlining any further or additional tree protection measures that may be required. A copy of any updated services plan is to be submitted to Council.

Prior to the issue of the Construction Certificate, a plan detailing the routes of these services and trees protected under Council's Tree Preservation Order shall be submitted to the Principal Certifier.

**Reason:** To ensure the protection of trees.

#### **42. Acoustic design report**

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors and lifts proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary, balcony or external living area of the nearest potentially affected residential occupancies.

A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

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

#### **43. Design and construction of mechanical ventilation**

Prior to the issue of any Construction Certificate, plans and specification complying with the requirements of the National Construction Code Volume 1 Part F4 and the Australian Standard 1668 parts 1 and 2- The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings shall be submitted to and approved by the Principle Certifying Authority.

**Reason:** To ensure compliance with standards for mechanical ventilation.

#### **44. Basement car parking details**

Prior to issue of any Construction Certificate, a certified parking layout plan(s) to scale must be submitted to and approved by the Certifier. Such parking layout plan is to be prepared by the Applicant's architect and show showing all aspects of the vehicular access and accommodation arrangements.

A qualified civil or traffic engineer must review the proposed vehicular 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", AS2890.2 and AS/NZS 2890.6:2009 where relevant.

**Reason:** To ensure that parking spaces are in accordance with this Development Consent.

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

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

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 site's boundary; and
- The location of any underground services, are to be shown for setting out for construction.

This Development Consent does not approve any works in the road reserve. The Applicant must obtain a separate approval under sections 138 and 139 of *The Roads Act 1993* for any works proposed in the road reserve that may be required as part of or to service the approved development. These works must not proceed until Council or Roads and Maritime Services have issued their formal written approval under the *Roads Act 1993*.

The design shown in the required plans and specifications is to comply with the General Specification for the Construction of Road and Drainage Works in Ku-ring- gai Council, dated November 2014. The drawings must detail any existing utility services and trees affected by the works, erosion control requirements and traffic management requirements to be implemented during the course of construction works. Surveys must be undertaken as required.

Any traffic management measures are to be certified on the drawings as being compliant 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 any delays in commencing roadworks.

An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable upon lodgement on any Roads Act application (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 of 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 the issue of any Construction Certificate, the Applicant must contact Energy Australia regarding the 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 approved development) shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate.

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

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

#### 47. Utility provider requirements

Prior to issue of any Construction Certificate, the Applicant must make contact with all relevant utility providers whose services are likely to be impacted by the approved development.

A written copy of the requirements of each provider must be obtained.

Any 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 any relevant utility providers.

#### 48. Design and construction of food premises

Plans and specifications complying with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 – Design, construction and fit-out of food premises and National Construction Code shall be submitted to and approved by the Certifier prior to the issue of any Construction Certificate. Plans and specifications shall address the following [\(where relevant\)](#):

- 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
- cool room/freezer construction
- garbage and recycling storage areas
- grease trap area
- all proposed mechanical ventilation systems
- staff, accessible and public toilet facilities

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

**[Applicant Note: The proposed café within the development will not require a grease trap, mechanical exhaust nor cool/freezer rooms given the products that are offered for sale from the café. The above amendment is proposed to assist**



in future interpretation of the condition.

**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 to contain an adequate area for the storage of garbage and recycling waste bins. A tap is to be located in close proximity to facilitate cleaning of that area. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifier (PCA) prior to issue of any Construction Certificate.

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

#### 50. Vegetation management plan

The Applicant shall submit to the Certifier a Vegetation Management Plan, (VMP), which is to be prepared by a qualified ecologist or qualified bush regenerator and which is to incorporate the following:

Identification of the stage during which the ~~Any stage~~ management or enhancement works ~~that~~ are to be undertaken, ~~are to be clearly set out in the VMP.~~ The VMP is also to clearly identify the person who is to be responsible for the implementation of each stage of works and any ongoing maintenance and management of restoration areas that may be required.

The VMP should describe each task necessary for the implementation of the plan, and the duration and priority of such tasks, including ~~M~~ maps, diagrams and plant species lists. The VMP should describe the existing vegetation and any natural features to be retained, any proposed vegetation, and any sediment and erosion control and stabilisation works. The following points below are to be addressed within the VMP:

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

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

[Applicant Note: Amendments proposed to clarify drafting only]

#### 51. Bicycle parking

Unimpeded access is to be provided to the staff bicycle parking, either by providing an alternative location for the staff bicycle parking or by modifying the car parking spaces or the bicycle enclosure layout. All relevant plans are to be amended and provided to the Principal Certifier prior to the issue of any Construction Certificate.

**Reason:** On sheet 13\_052 DA-A-101 (Version S.34) of the amended Architectural Plans (Carpark Level 1), the staff bicycle parking at the north-eastern end of the car park cannot be accessed if vehicles are parked in the aisle directly adjacent to it.

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

**52. Infrastructure restorations fee**

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

- a) Any work or activity taken in furtherance of the development the subject of this consent must be undertaken in a manner so as to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying any adjacent public areas.
- b) The Applicant, builder, developer or any person acting in reliance upon this consent shall be responsible for making good any damage to Council Property and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) Prior to both the issue of any Construction Certificate or commencement of any earthworks or construction, the Applicant must pay to the Council, the Infrastructure Damage Security Bond and Infrastructure Inspection Fee.
- 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 construction 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. Any 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.

**52A Development contributions – centres**

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

The Applicant is to provide a total of \$1,041,930.20 in contributions for Pymble Town Centre and Pymble Business Park Key Community Infrastructure: New

Roads and Roads Modifications, comprised as follows:

(a) ~~545,658.54~~ \$122,505.19 as works in kind in respect of the provision of pedestrian crossing facilities over Pacific Highway at Bridge Street; and

(b) ~~496,271.66~~ \$919,425.01 as a monetary contribution.

The works in kind referred to in paragraph (a) of this condition must be completed prior to the issue of any Occupation Certificate for the development. If the Applicant does not make the works in kind contribution referred to in paragraph (a) of this condition, then in lieu thereof the Applicant shall make a monetary contribution of ~~545,658.54~~ \$122,505.19.

The monetary contributions required by this condition shall be paid to Council prior 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 monetary 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](http://www.kmc.nsw.gov.au).

The payment of the s94 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.

**[Applicant Note: Amendments proposed to this condition reflect the estimated cost of the works in kind proposed, as was reflected in the draft conditions as modified by the Application and provided to the Panel at the previous meeting on 17 October 2018. The overall amount of the developer contribution to be provided, as proposed by Council, is unchanged.]**

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

### **53. 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.

### **54. 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, 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.

#### **55. 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 or any 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 involving the placement of concrete for large floor areas on large residential or commercial developments or where building processes require the use of oversized trucks 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.

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.

#### **56. 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.

Any demolition and construction vehicles are to be accommodated wholly within the site, and all vehicles must enter the site before stopping. Construction zones will not

be permitted on either the Pacific Highway or Ryde Road.

**Reason:** Roads and Maritime Services requirement.

## 57. Vibration

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

## 58. 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.

## 59. Remedial action plan (contaminated land)

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

**Reason:** To ensure the proper management of contaminated land.

## 60. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including any 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 Certifier.

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

## 61. Engineering fees

For the purpose of any development-related inspections by Ku-ring-gai Council

engineers, the corresponding fees set out in Council's 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 approval from Council.

**Reason:** To protect public infrastructure.

## **62. 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 Certifier prior to the commencement of any works.

**Reason:** To ensure compliance with the Australian Standards.

## **63. Construction noise**

During excavation, demolition and construction phases, any 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.

## **64. 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 Certifier 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 or noise complaints are to be displayed on the site notice, and
- be mounted at eye level on the perimeter hoardings or fencing of the site.

**Reason:** To ensure public safety and public information.

## **65. 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.

#### **66. 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 carried out under this consent, have created any structural damage to any adjoining buildings, infrastructure or roads. The report is to be submitted to the Principal Certifier.

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.

#### **67. 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 construction of the approved 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.

#### **68. Compliance with submitted geotechnical report**

A contractor with specialist excavation experience must undertake any excavations for the approved development and a suitably qualified and consulting geotechnical engineer must oversee such excavations.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control,
- support and retention of excavated faces, and
- hydrogeological considerations,

must be undertaken in accordance with the recommendations of the geotechnical report prepared prior to the commencement of the approved works. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where any rock anchors (both temporary and permanent) are proposed to be installed below any 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.

#### **69. Use of road or footpath**

During the 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 the carrying out of the approved building works. Council reserves the right, without notice, to rectify any such breach (es) and to charge the cost of any rectification works, against the person carrying out the development in reliance upon this Development Consent.

**Reason:** To ensure safety and amenity of the area.

#### **70. 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.

#### **71. 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.

#### **72. Protection of public places**

If the work involved in the demolition or construction of the approved development is likely to cause obstruction to any pedestrian or vehicular traffic in a public place, 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 construction works 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.

### **73. Recycling of building material (general)**

During demolition and construction, the Principal Certifier 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.

### **74. 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 anytime
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

### **75. Maintenance period for works in public road**

After the works have been completed to the satisfaction of Ku-ring-gai Council, a maintenance period of six (6) months applies to any works carried out by the Applicant in the public road reserve. 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.

### **76. 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 construction of the development. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement or route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where any 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.

## **77. 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.

## **78. 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
- Confirmation that the locations of the rock anchors are registered with Dial Before You Dig
- Confirmation 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
- The manner in which 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
- Confirmation 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.

## 79. 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 Certifier 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 Certifier prior to issue of any 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.

#### **80. 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.

<b>Tree</b>
Tree 69, 72, 74, 75, 95, 100, 110, 111, 112, 116, 139, 213, 232

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

#### **81. 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 or 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.

#### **82. 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:

<b>Trees</b>	<b>Radius in metres</b>
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.

#### **83. 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,	Removal
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 this Development Consent.

#### 84. 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.

#### 85. 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.

#### 86. Canopy replenishment trees to be planted

The canopy replenishment trees required 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, are to be replaced with the same species.

**Reason:** To maintain the treed character of the area.

**87. 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:****88. Vegetation management plan**

Prior to the issue of any Occupation Certificate, the following works as detailed within the updated Vegetation Management Plan, are to be completed:

- All works detailed within the VMP including 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.
- Any 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 VMP. 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 Certifier and Copied to Council's Ecologist.

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



**89. Blue gum high forest management unit areas -Section 88b instrument**

Prior to the issue of any 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.

**90. 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 any Occupation Certificate.

**91. Construction of food premises**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the construction of the food premises and all food storage areas is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 – Design, construction and fit-out of food premises and National Construction Code.

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

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

**92. Garbage and recycling facilities – commercial premises**

Prior to the issue of any Occupation Certificate, the Principal Certifier 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.

**93. Parking restrictions - Bridge Street**

Prior to the issue of any Occupation Certificate, the Principal Certifier 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.

#### **94. Heritage interpretation**

Prior to the issue of any Occupation Certificate, the Principal Certifier 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 Principal Certifier prior to the issue of any 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.

#### **95. site remediation - validation**

The site is to be remediated and validated in accordance with the remediation action plan (**RAP**) prior to the issue of any Occupation Certificate.

A remediation and validation report shall be submitted to the Principal Certifier 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.

#### **96. Asbestos clearance certificate**

Prior to the issue of any Occupation 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. The asbestos clearance certificate must certify the following: -

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

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

Further details of licensed asbestos waste disposal facilities can be obtained from [www.epa.nsw.gov.au](http://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

#### **97. Vehicle egress signs**

Prior to the issue of any 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 publicway.

**Reason:** To ensure pedestrian safety.

#### **98. 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 Principal Certifier that the external finishes and materials are in accordance with the approved schedule of finishes and materials identified in this Development 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.

#### **99. 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 any Occupation Certificate, to ensure its availability for use by the public during daylight hours.

**Reason:** To provide safe pedestrian permeability and street activation.

#### **100. 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 Certifier, prior to issue of any Occupation Certificate.

**Reason:** To provide safe pedestrian permeability and street activation.

#### **101. Construction of mechanical ventilation**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the construction of the mechanical ventilation is in accordance with the National Construction Code and the Australian Standard 1668 parts one and two -The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings.

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

**Reason:** To ensure compliance with standards for mechanical ventilation.

**102. Completion of landscape works**

Prior to the issue of any Occupation Certificate, the Principal Certifier 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 this Development Consent.

**Reason:** To ensure that the landscape works are consistent with this Development Consent.

**103. Mechanical noise control**

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

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

**104. Retention and re-use positive covenant**

Prior to issue of any 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 Certifier prior to the issue of any Occupation Certificate.

**Reason:** To protect the environment.

**105. Certification of drainage works**

Prior to issue of any Occupation Certificate, the Principal Certifier 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 any Occupation Certificate.

**Reason:** To protect the environment.

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

Prior to issue of any 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 Certifier prior to issue of any 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 WAE 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 stamped Construction Certificate stormwater plans.

**Reason:** To protect the environment.

#### **107. OSD positive covenant/restriction**

Prior to issue of any 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 Certifier prior to issue of any Occupation Certificate.

**Reason:** To protect the environment.

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

Prior to issue of any Occupation Certificate, the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier.

**Reason:** Statutory requirement.

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

Prior to issue of any Occupation Certificate, the Principal Certifier 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 Certifier prior to the issue of any Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas are compliant with this Development Consent.

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

Prior to issue of any Occupation Certificate, the Principal Certifier 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

any 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.

#### **111. Fire safety certificate**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this Development 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.

#### **112. Green Star rating**

- a) Prior to the issue of any Occupation Certificate, 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 Principal Certifier. 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 any Occupation Certificate, the owner is to provide to the Principal Certifier a notice from GBCA confirming documentation has been submitted for the final "As Built" component of the Certification.
- c) Within 12 months of any Occupation Certificate being issued the Applicant 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:~~**

#### **~~113. 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.~~

#### **~~114. 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.~~

[Applicant Note: These conditions are unnecessary as the DA does not propose subdivision or road widening.]

**CONDITIONS TO BE SATISFIED AT ALL TIMES:****~~115.~~113. 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.

**~~116.~~114. 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

**~~117.~~115. 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.

**~~118.~~116. 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.



**119.117. 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.

**120.118. 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.

**121.119. 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.

**122.120. 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 bladescreen.

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.

**123.121. Annual fire safety statement**

Every 12 months after the installation of essential fire or other safety measures, the owner of the building must provide the Council ~~with to be given~~ an Annual Fire Safety Statement for the building. In addition, a further copy ~~is to be~~ of the Annual Fire Safety Statement must be given to the NSW Fire Commissioner and a copy is to be displayed prominently in the building.

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

**[Applicant Note: Amendments proposed to clarify drafting only]**