

**MEMORANDUM**

**TO:** Peter Debnam - Chair Sydney North Planning Panel

**FROM:** Director Development & Regulation, Ku-ring-gai Council Michael Miotic

**SUBJECT:** **Council response to applicants comments on without prejudice draft condition set - DA0583/17 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga. 2018SNH036**

Dear Peter,

In response to the DFP letter dated 3 December 2018 which responded to Council's without prejudice condition set, please find attached a revised without prejudice condition set as well as a written response to the amendments sought by the applicant:

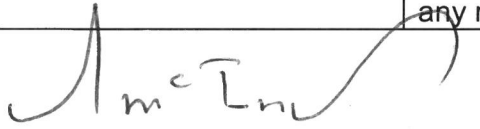
Draft Condition	Applicants Justification	Response
1. Approved architectural plans and documentation	In the second table identifying approved documents, we recommend that the Plan of Management referenced in the second line include "(Rev D)" so as to accurately identify the version that is approved, given there may be more than one issue dated October 2018.	No objection, additional reference added
16. Tree protection fencing	Condition 16: Trees 1, 2, 4, 5, 6, and 6b are street tree which will require some building works within the tree protection areas, and so fencing off for the nominated radius would prevent some construction works, driveway access and construction access that is otherwise approved by the consent. It would be preferable if these trees were moved to Condition 17 which includes an allowance for "approved" works  Condition 16 seems to prevent	No objection, Condition 16 be amended to move Trees 1, 2, 4, 5, 6 and 6b into Condition 17


	<p>works under Trees 1 and 2 for construction access, but this is in conflict with Condition 21.</p> <p>Therefore, we recommend that Condition 16 be amended to move Tree 1, 2, 4, 5, 6 and 6b into Condition 17 as modified per the below recommendation.</p> <p>This would mean that Condition 16 would still apply to Tree 18 and Tree 19, under which no works are proposed and for which the wording of Condition 16 remains appropriate.</p>	
17. Tree protection fencing excluding structure	<p>We note that Condition 17 is drafted similarly to Condition 16, with the only difference being that works cannot commence until the area beneath the tree canopies "excluding that area of the approved driveway and building shall be fenced off". As drafted, this doesn't allow for construction access of building works that need to occur in this area as proposed and otherwise approved by this consent.</p> <p>To resolve this potential conflict, we recommend modifying the text of Condition 17 to read as follows: "To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the approved driveway, construction access and building works shall be fenced off for the specified radius from the trunk..."</p>	No objection, wording added and Trees 1, 2, 4, 5, 6 and 6b added
21. Tree protection- avoiding soil compaction	As drafted, Condition 21 allows for our use the area under Trees 1 and 2 for Stage 2 and Stage 3 construction	No objection, Trees 6 and 6b included in Condition 21

	<p>access, as per architectural drawings DA12 and DA13, but this appears to conflict with Condition 16 as drafted. In addition to the above, Stage 1 construction access is required between Trees 6 and 6b, as per architectural drawings DA11.</p> <p>With the recommendation made to Condition 16, we also recommend that Trees 6 and 6b be included in Condition 21 to clarify that these trees are to be protected to avoid soil compaction during the construction phase (as per the stated reason for the condition).</p>	
27. Amendments to approved architectural plans	In the paragraph following the five (5) points, recommend replacing the word "tha" for "the".	No objection, error corrected
32. External service pipes and the like prohibited	<p>The intention of Condition 32 is to prevent external services and the like from being visible to the public. However the wording of the first paragraph could introduce confusion in relation to the approved location of air conditioning plant (required within the building although shown on plan to be external to the building) and related ductwork. We recommend incorporating the following changes into the first paragraph of Condition 32:</p> <p><i>"Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant ductwork and the like must be located within the building. Details confirming compliance with this condition must be shown on the relevant construction certificate plans and detailed with relevant construction certificate</i></p>	No objection, ducting adopted in favour of ductwork.

	<p><i>specifications. Required external vents or vent pipes on the roof or able above the eaves must be shown on construction certificate plans and detailed with construction certificate specifications. External mechanical plant, vents or roof vents pipes must not be visible from any public place unless detailed upon development consent plans."</i></p>	
39. Consolidation of lots	<p>The School has reservations about the appropriateness and implications of this Condition in its current form, due in part to the complexity of the legal ownership of the land upon which the campus is situated, namely the current trustees Dominican Education Australia and former trustees Dominican Sisters of Eastern Australia and the Solomon Islands.</p> <p>The timing of the requirements of Condition 39 (i.e. prior to the issue of a construction certificate) present significant issues to the programming of the works, in particular the commencement of the works for demolition in the January 2019 school holidays. It is the School's intention to commence demolition and site preparation works in the first week of January 2019 so that the main disruptive works (including asbestos removal) are completed before the students return at the end of the month. It will not be possible to achieve consolidation of the lots prior to the issue of the Construction Certificate in January.</p>	No objection, condition relocated to prior to occupation certificate, all 6 lots referenced and wording amended to acknowledge change.
89. Prohibition of signage illumination	The plans (DA07) include a new low-rise school sign within the landscaped area on the	Disagree with complete deletion of condition 89. The condition has been amended

	Billyard Avenue frontage which includes laser cut lettering to a brushed stainless steel plate for "St Lucy's School" which is proposed to be illuminated from the rear with focussed lighting from the garden bed. Condition 89 would preclude the School from having any illumination of this small sign, which is not located adjacent to, or across the street from any residential dwellings.	to restrict illumination of signage between the hours of 11:00pm and 7:00am daily. Signage must not flash or have any moving components. Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign.
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S McInnes  
**Executive Assessment Officer**

  
A Richardson  
**Acting Team Leader Development Assessment**

  
C Swanepoel  
**Manager Development Assessment Services**

  
M Miocic  
**Director Development and Regulation**

## Scott McInnes

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**From:** Stephen Earp <searp@dfpplanning.com.au>  
**Sent:** Friday, 7 December 2018 4:01 PM  
**To:** Scott McInnes  
**Subject:** RE: DA0583/17 Draft Conditions - 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga

Hi Scott,

Thank you for sending through your letter and revised conditions, and also your note regarding the heritage mapping of the site.

Confirming that the School raises no objections to, and is in agreement with the amended conditions. We understand that you will now finalise the letter and submit with the revised conditions to the Planning Panel.

Thanks for your help in working through those changes and coordinating things to get this turned around quickly.

Have a good weekend,

Regards,

**Stephen Earp | Partner**

d: 02 9473 4914 | m: 0413 199 686

e: [searp@dfpplanning.com.au](mailto:searp@dfpplanning.com.au)



**DFP Planning Pty Ltd**

11 Dartford Rd, Thornleigh NSW 2120	Suite 207, 506 Miller St Cammeray NSW 2062	PO Box 230 Pennant Hills NSW 1715	t: 02 9980 6933 e: <a href="mailto:dfp@dfpplanning.com.au">dfp@dfpplanning.com.au</a>
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**From:** Scott McInnes <smcinn@kmc.nsw.gov.au>  
**Sent:** Friday, 7 December 2018 10:22 AM  
**To:** Stephen Earp <searp@dfpplanning.com.au>  
**Subject:** DA0583/17 Draft Conditions - 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga

Hi Stephen,

1. Council has reviewed your letter dated 3 December 2018 and agreed to all but one of the changes. Condition 89 has not been deleted just amended to prohibit illumination of the sign between 11pm-7am. I have attached a memo for the attention of the SNPP Chair which I intend to issue once you agree to the attached without prejudice condition set.
2. With regards to the heritage mapping of the site the original mapping for the site was only Lot 1 DP 715429. Councils Heritage Specialist Planner Andreana Kennedy believes it is a mapping error from the translation of Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

Council can look at amending the KLEP but this will be in a future clean-up, not as a priority due to resourcing. If the school want to prioritise it they will need to lodge a proponent based planning proposal. Strategy are grateful that I brought it to their attention.

I look forward to finalising the conditions and advising the SNPP of the agreed amendments.

**Scott McInnes** | Executive Assessment Officer | Ku-ring-gai Council

P: 9424 0000 | F: 9424 0205

E: [smcinn@kmc.nsw.gov.au](mailto:smcinn@kmc.nsw.gov.au) | [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)

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**From:** Stephen Earp [<mailto:searp@dfpplanning.com.au>]

**Sent:** Wednesday, 5 December 2018 5:14 PM

**To:** Kerry Frair; Scott McInnes

**Cc:** Adam Richardson; Caroline Fowler; Watson, Kyle

**Subject:** RE: Draft Conditions - DA0583/17 - 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga

Good afternoon Kerry and Scott,

Thank you for sending through the draft conditions for DA0583/17 – the School and the project team have reviewed the conditions and we have consolidated our feedback into the **attached** letter, prior to the Planning Panel meeting next Wednesday morning.

We request that Council give consideration to the feedback provided and if there are any matters which require further discussion please give me a call in the first instance.

Regards,

**Stephen Earp | Partner**

d: 02 9473 4914 | m: 0413 199 686

e: [searp@dfpplanning.com.au](mailto:searp@dfpplanning.com.au)



**DFP Planning Pty Ltd**

11 Dartford Rd, Thornleigh NSW 2120	Suite 207, 506 Miller St Cammeray NSW 2062	PO Box 230 Pennant Hills NSW 1715	t: 02 9980 6933 e: <a href="mailto:dfp@dfpplanning.com.au">dfp@dfpplanning.com.au</a>
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**From:** Kerry Frair <[kfrair@kmc.nsw.gov.au](mailto:kfrair@kmc.nsw.gov.au)>

**Sent:** Wednesday, 28 November 2018 4:45 PM

**To:** Stephen Earp <[searp@dfpplanning.com.au](mailto:searp@dfpplanning.com.au)>

**Cc:** Scott McInnes <[smcinn@kmc.nsw.gov.au](mailto:smcinn@kmc.nsw.gov.au)>; Adam Richardson <[arichardson@kmc.nsw.gov.au](mailto:arichardson@kmc.nsw.gov.au)>

**Subject:** Draft Conditions - DA0583/17 - 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga

Dear Stephen

Please find attached the Draft Conditions – DA0583/17 – 21-23 Cleveland Street and 6-8 Billyard Avenue, Wahroonga.

Kind regards

**Kerry Frair** | KLPP Coordinator | Ku-ring-gai Council

P: 9424 0792 | F: 9424 0001

E: [kfrair@kmc.nsw.gov.au](mailto:kfrair@kmc.nsw.gov.au) | [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)

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

**CONDITIONS THAT IDENTIFY APPROVED PLANS:**

**1. Approved architectural plans and documentation**

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
DA00 cover sheet (Amendment 2)	Stanton Dahl Architects	15/6/2018
DA01 site plan (Rev 2)	Stanton Dahl Architects	14/6/2018
DA02 basement plan (Rev 1)	Stanton Dahl Architects	30/11/2018
DA03 ground floor plan- part 1 (Rev 3)	Stanton Dahl Architects	17/9/2018
DA04 ground floor plan (Rev 3)	Stanton Dahl Architects	17/9/2018
DA05 first floor plan (Rev 1)	Stanton Dahl Architects	30/11/2018
DA06 roof plan (Rev 2)	Stanton Dahl Architects	14/6/2018
DA07 elevations (Rev 2)	Stanton Dahl Architects	14/6/2018
DA08 elevations (Rev 2)	Stanton Dahl Architects	14/6/2018
DA09 elevations (Rev 2)	Stanton Dahl Architects	14/6/2018
DA10 sections (Rev 3)	Stanton Dahl Architects	17/9/2018
DA11 site plan-stage 1 (Rev 1)	Stanton Dahl Architects	30/11/2018
DA12 site plan-stage 2 (Rev 1)	Stanton Dahl Architects	30/11/2018
DA13 site plan- stage 3 (Rev 1)	Stanton Dahl Architects	30/11/2018
DA15 site plan- fencing plan (Rev 1)	Stanton Dahl Architects	14/6/2018
DA16 acoustic fencing details (Rev 1)	Stanton Dahl Architects	14/6/2018
A01 site plan- tree location plan (Rev 2)	Stanton Dahl Architects	21/9/2018
A02 Detail section (Rev 1)	Stanton Dahl Architects	17/9/2018
C2-00 (Amend D) General arrangement plan - basement stage 1	Calibre	27/9/2018
C2-01 (Amend C) General arrangement plan - basement stage 2	Calibre	27/9/2018
C2-02 (Amend H) General arrangement plan - ground floor stage 1	Calibre	28/9/2018
C2-03 (Amend G) General arrangement plan - ground	Calibre	28/9/2018

floor stage 2		
C4-20 (Amend E) Stormwater drainage details - sheet 1	Calibre	27/9/2018
C4-21 (Amend D) Stormwater drainage details - sheet 2	Calibre	27/9/2018
000 (Issue C) Landscape coversheet	Site image	28/11/2017
101 (Issue B) Landscape plan stage 1	Site image	20/11/2017
102 (Issue B) Landscape plan stage 2	Site image	20/11/2017
103 (Issue C) Landscape plan stage 3	Site image	28/11/2017
501 (Issue C) Landscape details	Site image	28/11/2017

<b>Document(s)</b>	<b>Dated</b>
Material selection by stanton dahl architects	7/5/2018
Plan of management for the operation for the school (Rev D)	October 2018
Environmental noise assessment by Day Design Pty Ltd (Rev F)	2 November 2018
Access review by Stanton dahl architects	27/11/2017
Preliminary Geotechnical Assessment by JK Geotechnics	4/12/2017
Environmental site management plan by APP	November 2017
Arboricultural Impact Assessment by Lee Hancock	21/9/2018
Tree statement by Mark Bury Consulting	13/9/2018
Tree statement by Mark Bury Consulting	25/9/2018
Building Code of Australia Assessment Report by City Plan Services	28/9/2017

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

## **2. Inconsistency between documents**

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

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

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

### **3. Asbestos works**

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

**Reason:** To ensure public safety.

#### **4. Vibration**

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

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

#### **5. Notice of commencement**

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

**Reason:** Statutory requirement.

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

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

**Reason:** Statutory requirement.

#### **7. Dilapidation survey and report (public infrastructure)**

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Cleveland Street and Billyard Avenue over the site frontages, including the full intersection.
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

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

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

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

#### **8. Archival recording of buildings**

Prior to the commencement of any development or excavation works on site, the Principal Certifier shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

**Note:** 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 works.

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

## **9. Dilapidation survey and report (private property)**

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

Address:  
10 Billyard Avenue, Wahroonga

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

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

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

## **10. Construction traffic management plan**

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

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

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

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

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for a largest heavy rigid vehicle. The Swept Path Analysis Plans **shall** show the existing trees being retained and their tree protective fencing requirements (consistent with the DA consent). These plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict.

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

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath
- traffic control for vehicles reversing into or out of the site.

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

For safety and amenity, no construction vehicle movements are to occur in Cleveland Street and Billyard Avenue during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days.

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

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

## **11. Work zone**

A Works Zone is to be provided in Billyard Avenue subject to the approval of the Ku-ring-gai Local Traffic Committee.

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

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

**Reason:** To ensure that appropriate measures have been made for the operation of the site during the construction phase.

## **12. Temporary construction exit**

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

**Reason:** To reduce or eliminate the transport of sediment from the construction site onto

public roads.

### 13. Sediment controls

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

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

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

### 14. Erosion and drainage management

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

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

### 15. Marking of trees to be removed

All trees that are to be removed within the development area, are to be clearly marked on site by the Project Arborist in accordance with the approved plans. All other trees are to be retained.

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

### 16. Tree protection fencing

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

Tree/Location	Radius in metres
Tree 18/ <i>Eucalyptus robusta</i> (Swamp Mahogany) this tree is located in the Cleveland Street nature strip	5.8m
Tree 19/ <i>Eucalyptus botryoides</i> (Bangalay) this tree is located in the Cleveland Street nature strip	5.6m

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

### 17. Tree protection fencing excluding structure

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the approved driveway, construction access and building works shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Schedule	
Tree/Location	Radius from trunk
Tree 1/ <i>Eucalyptus robusta</i> (Swamp Mahogany) this tree is	6.7m

located in the Billyard Avenue nature strip	
Tree 2/ <i>Eucalyptus robusta</i> (Swamp Mahogany) this tree is located in the Billyard Avenue nature strip	6.6m
Tree 3/ <i>Melaleuca quinquinervia</i> (Broadleaved Paperbark) this tree is located in the Billyard Avenue front setback	6.0 m
Tree 4/ <i>Jacaranda mimosifolia</i> (Jacaranda) this tree is located in the Billyard Avenue nature strip	4.2m
Tree 5/ <i>Jacaranda mimosifolia</i> (Jacaranda) this tree is located in the Billyard Avenue nature strip	6.2m
Tree 6/ <i>Lophostemon confertus</i> (Brushbox) this tree is located in the Billyard Avenue nature strip	9.7m
Tree 6b/ <i>Lophostemon confertus</i> (Brushbox) this tree is located in the Billyard Avenue nature strip	10.2m
Tree 10/ <i>Acer negundo</i> (Box Elder) this tree is located at rear of 8 Billyard Avenue, within St Lucy's	6.9m
Tree 12/ <i>Quercus robur</i> (English Oak) this tree is located on eastern boundary of 8 Billyard Avenue	7.5m
Tree 13/ <i>Magnolia soulangeana</i> (Magnolia) this tree is located on eastern boundary of 8 Billyard Avenue	6.0m
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	8.5m

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

#### 18. Tree protective fencing type galvanised mesh

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

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

#### 19. Tree protection signage

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

Tree protection zone.

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

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

#### 20. Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone of the following tree excluding the basement is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

##### Tree/Location

Tree 10/ *Acer negundo* (Box Elder) This tree is located at rear of 8 Billyard Avenue,

within St Lucy's

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

## **21. Tree protection - avoiding soil compaction**

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

### **Tree/Location**

Tree 1/ *Eucalyptus robusta* (Swamp Mahogany) This tree is located in the Billyard Avenue nature strip

Tree 2/ *Eucalyptus robusta* (Swamp Mahogany) This tree is located in the Billyard Avenue nature strip

Tree 6/ *Lophostemon confertus* (Brushbox) this tree is located in the Billyard Avenue nature strip

Tree 6b/ *Lophostemon confertus* (Brushbox) this tree is located in the Billyard Avenue nature strip

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

## **22. Branch protection**

To preserve the following tree/s, no work shall commence until the branch/s nearest the road are protected by the placement of reasonable lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The branch protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifier:

### **Tree/Location**

Tree 6/ *Lophostemon confertus* (Brushbox) This tree is located in the Billyard Avenue nature strip.

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

## **23. Tree fencing inspection**

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifier is required to verify that tree protection measures comply with all relevant conditions.

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

## **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 in accordance with Council's Waste Management controls in the Ku-ring-gai Development Control Plan.

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

**Note:** The plan shall be provided to the Principal Certifier.



**Reason:** To ensure appropriate management of construction waste.

## **25. Noise and vibration management plan (Part 1)**

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 Certifier. The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - Guide to noise and vibration control on construction, demolition and maintenance sites and NSW Department of Environment and Climate Change Interim Construction Noise Guidelines. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

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

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

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

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

### **26. Acoustic design report - mechanical plant**

Prior to the issue of the Construction Certificate, an acoustic design report prepared by an appropriately qualified acoustic consultant shall be submitted to and approved by the Principal Certifier. The report shall detail all acoustic measures required to ensure that noise generated by the mechanical plant, including air conditioners and car park exhaust, is not more than 5db(A) above the L<sub>90</sub> (ambient background) noise level when measured at any point on an adjoining residential property. The acoustic design is to include noise mitigation measures as recommended by Day Design Pty Ltd in Environmental Noise Assessment Report Number 6332-1.2R Rev F, dated 2 November 2018.

**Reason:** To protect the amenity of surrounding residents

## 27. Amendments to approved architectural plans

Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that the architectural plan endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent.

The relevant architectural plan shall be amended in the following ways:

1. Tree 14/ Jacaranda mimosifolia (Jacaranda) currently provides landscape screening amenity between proposed and existing buildings and is to be shown to be retained.
2. Section 3 is to be indicated on the architectural plans.
3. The Site Plan is to be amended to include an interpretation in the Legend of the proposed red/blue lines as described in the Response to Second Request for Information Letter (DFP, 21/09/18).
4. Front boundary wall:
  - i. The low sandstone walls within the front setback is to be replaced with face brick walls, the bricks to be Austral Bowral Bricks, colour "Bowral Blue" to match those of the ground floor. The low brick wall is to have a header course of bullnose bricks on all edges of the top of the wall. The wall is to be 470mm wide.
5. Eastern and western wall of the proposed basement driveway

The eastern and western retaining wall of the proposed driveway is to be clad with face brickwork, the bricks to be Austral Bowral Bricks, colour "Bowral Blue" to match those of the ground floor. The wall is to have a header course of bullnose bricks at the top of the wall."

Prior to the issue of the Construction Certificate, the Principal Certifier shall be satisfied that the architectural plan has been amended as required by this condition.

**Note:** An amended plan, prepared by an architect or qualified draftsman shall be submitted to the Principal Certifier.

**Reason:** To protect the privacy and amenity of adjoining properties

## 28. Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
000 (Issue C) Landscape coversheet	Site image	28/11/2017
101 (Issue B) Landscape plan stage 1	Site image	20/11/2017
102 (Issue B) Landscape plan stage 2	Site image	20/11/2017
103 (Issue C) Landscape plan stage 3	Site image	28/11/2017
501 (Issue C) Landscape details	Site image	28/11/2017

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

1. The landscape plans are to be consistent with the approved architectural and stormwater plans listed in Condition 1 and as amended by other conditions of consent.
2. Tree 14 provides existing landscape screening amenity between proposed and existing buildings and is to be shown to be retained.

3. Proposed canopy tree planting of predominantly *Tristaniopsis laurina* is to be substituted with more horticulturally sympathetic evergreen and deciduous canopy trees such as *Franklinia axillaris* and *Nyssa sylvatica*. Tree plantings should be greater than 5 metres from the building and outside of existing canopies to enable sustainable establishment.
4. Proposed bioretention basins are to be relocated so that they do not encroach within 2 metres from the site boundary to preserve the proposed vegetation buffer along the eastern boundary. Proposed screen planting is to be continues along the entire length of the eastern boundary.

Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that the landscape plan has been amended are required by this condition.

**Note:** An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Principal Certifier.

**Reason:** To ensure adequate landscaping of the site

## 29. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
C2-00 (Amend D) General arrangement plan - basement stage 1	Calibre	27/9/2018
C2-02 (Amend H) General arrangement plan - ground floor stage 1	Calibre	28/9/2018
C2-03 (Amend G) General arrangement plan - ground floor stage 2	Calibre	28/9/2018

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

1. To preserve the existing landscape screening amenity between the proposed and existing buildings the bioretention basin and associated pipes are not to encroach within the specified radius of Tree 14.

Tree/Location	Radius in metres
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	3.0m

2. The proposed bioretention basins are to be relocated so that they do not encroach within 2m from the site boundary to preserve the proposed vegetation buffer along the eastern boundary.
3. The proposed pit and RHS connection to the existing culvert are not to encroach within 2.5m from Tree 18 and Tree 19 as measured from the centre of the trunk. Non destructive methods are to be utilised such as an air spade to construct a trench under the supervision of a project arborist to avoid root severance over 30mm in diameter.
4. To preserve existing trees within the southern building setback to the existing 2 storey building fronting Cleveland Street, the pipe is to be relocated as close as possible to the external building wall.

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

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

### **30. 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.

### **31. Outdoor lighting**

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

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

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

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

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

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

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

### **33. Access for people with disabilities (commercial)**

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

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

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

### **34. Excavation for services**

Prior to the issue of a 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 beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

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

### **35. Driveway crossing levels**

Prior to issue of a Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

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

### **36. Basement car parking details**

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

- i. all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"
- ii. the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

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

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

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

### **38. Underground services**

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Principal Certifier prior to the issue of a Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

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

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

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of a Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt of the Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

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

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

(f) In this condition:

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

"Infrastructure damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

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

### **40. 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.

### **41. 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 of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- the work must be carried out in accordance with the requirements of the Building Code of Australia
- in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence
- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.

**Reason:** Statutory requirement.

### **42. Hours of work**

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

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

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Roads and Maritime Services (RMS) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

**Note:** Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

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

#### **43. External walls and cladding flammability**

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

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

**Reason:** Statutory requirement to ensure the safety of occupants.

#### **44. Lead based paint**

Buildings built prior to the 1970s may contain lead based paint. In the event it is encountered during demolition and/or excavation the WorkCover and NSW Environmental Protection Authority Lead safety guidelines are to be followed to prevent personal and environmental contamination.

**Reason:** Environmental safety

#### **45. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifier.

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

#### **46. Statement of compliance with Australian Standards**



The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of any works.

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

#### **47. Vibration**

The Principal Certifier shall be satisfied that vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure will be in accordance with the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

**Reason:** To protect residential amenity during construction.

#### **48. Construction noise (Part 2)**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

#### **49. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

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

#### **50. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs

- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

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

## **51. Post-construction dilapidation report**

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

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

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

**Reason:** Management of records.

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

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

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the Geotechnical Assessment Report dated 4 December 2017 Ref: 31003Vprelimrpt.revWahroonga prepared by JK Geotechnics. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

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

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

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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

#### **54. Guarding excavations**

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

**Reason:** To ensure public safety.

#### **55. Toilet facilities**

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

**Reason:** Statutory requirement.

#### **56. Protection of public places**

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

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

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

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

**Reason:** To protect public places.

#### **57. 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.

#### **58. Construction signage**

All construction signs must comply with the following requirements:

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

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

#### **59. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order

during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifier and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

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

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

**Reason:** Statutory requirement.

#### **61. Project arborist**

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

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

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

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

#### **62. Arborist's report**

All trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 and reports by Lee Hancock Consulting Arborist, dated 21/09/2018 and Mark Bury dated 13/09/18 and associated plans by same, 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 during all works within the canopy spread of all existing trees on site and overhanging from adjoining sites, including date, brief description of the works inspected, and any mitigation works prescribed.

All monitoring shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

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

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

#### **63. Trees on nature strip**

Removal/pruning of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000:

<b>Tree/Location</b>
Tree 6a/ <i>Jacaranda mimosifolia</i> (Jacaranda) This tree is located in the Billyard

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

#### 64. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

**Reason:** To protect existing trees.

#### 65. Approved tree works

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

Tree/Location	Approved tree works
Tree 7/ <i>Camellia sasanqua</i> (Camellia) This tree is located in the centre of the site	Removal
Tree 8/ <i>Michelia figo</i> (Port Wine Magnolia) This tree is located in front setback of 6 Billyard	Removal
Tree 9/ <i>Acer negundo</i> (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's	Removal
Tree 11/ <i>Nyssa sylvatica</i> (Tupelo) located in front setback of 8 Billyard Avenue	Removal
Tree 15/ <i>Liquidamber styraciflua</i> (Liquidamber) located in rear yard of 8 Billyard Avenue	Removal
Tree 16/ <i>Liriodendron tulipifera</i> (Tulip Tree) located in rear yard of 8 Billyard Avenue	Removal
Group A - a group of trees on school grounds adjacent to existing building	Removal
Tree 16/ <i>Liriodendron tulipifera</i> (Tulip Tree) located in rear yard of 8 Billyard Avenue	Removal
Tree 17/ <i>Syzigium smitthii</i> (Lilly Pilly) located in front setback of 6 Billyard	Removal

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

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

#### 66. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

##### Schedule

Tree/Location	Radius from trunk
Tree 3/ <i>Melaleuca quinquinervia</i> (Broadleaved Paperbark) This tree is located in the Billyard Avenue front setback	6.0 m
Tree 10/ <i>Acer negundo</i> (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's	6.9m
Tree 12/ <i>Quercus robur</i> (English Oak) This tree is located on eastern boundary of 8 Billyard Avenue	7.5m
Tree 13/ <i>Magnolia soulangeana</i> (Magnolia) This tree is located on eastern boundary of 8 Billyard Avenue	6.0m

Tree 14/ *Jacaranda mimosifolia* (Jacaranda) located along eastern boundary 8.5m

**Reason:** To protect existing trees.

#### 67. Hand excavation

All excavation excluding for the approved basement and driveway and subject to other conditions, within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

##### Schedule

Tree/Location	Radius from trunk
Tree 3/ <i>Melaleuca quinquinervia</i> (Broadleaved Paperbark) This tree is located in the Billyard Avenue front setback	6.0 m
Tree 10/ <i>Acer negundo</i> (Box Elder) This tree is located at rear of 8 Billyard Avenue, within St Lucy's	6.9m
Tree 12/ <i>Quercus robur</i> (English Oak) This tree is located on eastern boundary of 8 Billyard Avenue	7.5m
Tree 13/ <i>Magnolia soulangeana</i> (Magnolia) This tree is located on eastern boundary of 8 Billyard Avenue	6.0m
Tree 14/ <i>Jacaranda mimosifolia</i> (Jacaranda) located along eastern boundary	8.5m
Tree 18/ <i>Eucalyptus robusta</i> (Swamp Mahogany) This tree is located in the Cleveland Street nature strip	5.8m
Tree 19/ <i>Eucalyptus botryoides</i> (Bangalay) This tree is located in the Cleveland Street nature strip	5.6m

**Reason:** To protect existing trees.

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

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Part 13 of the Ku-ring-gai Development Control Plan. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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

#### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

#### 69. Consolidation of lots

Prior to the issue of a Occupation Certificate for Stage 1 works, the Applicant must consolidate the development site comprising Lot A/DP 341153, Lot B/DP 341153, Lot 1/DP 715429, Lot 1/DP 726090, Lot 1/DP 105255 and Lot 2/ DP 105255. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted to the Principal Certifier prior to issue of the Occupation Certificate for Stage 1 works.

**Reason:** The proposal relies on other lots to achieve compliance with the KLEP and DCP (car parking and stormwater management) and also to ensure continuous structures will not be placed across separate titles.

#### 70. Mechanical ventilation – commercial premises

- (a) Prior to the issue of the Occupation Certificate for Stage 1, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

- (b) Prior to the issue of the Occupation Certificate for Stage 2, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (c) Prior to the issue of the Occupation Certificate for Stage 3, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

## **71. Staff travel plan**

Prior to issue of the Occupation Certificate for Stage 3 works, St Lucy's School is to prepare and implement a green travel plan for staff that will encourage staff to travel by public transport, car pooling / car sharing, cycling, walking and being dropped off as alternatives to driving. Such a plan would include the following considerations and commitments:

- objectives (what the plan is trying to achieve);
- outcomes (the initiatives that will be implemented);
- performance measurement (identify indicators to evaluate the success of the plan);
- benchmarking/targets (measurable and achievable, with a focus towards active transport);
- monitoring and review (set intervals for monitoring and review, for continuous improvement, with regular updates/feedback to Council)

A green travel plan is to be developed in accordance with the principles identified by Transport for NSW and RMS and must be submitted to the satisfaction of Council's Traffic Engineer, prior to the issue of an Occupation Certificate.

The green travel plan is to be implemented prior to the commencement of works.

**Reason:** Environmental sustainability and travel / parking demand management.

## **72. Acoustic Control Measures - Sound Barrier Wall**

Prior to the issue of the Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for the Eastern Boundary - Sound Barrier Wall as detailed in Day Design Pty Ltd in Environmental Noise Assessment Report Number 6332-1.2R Rev F dated 2 November 2018 has been installed. Written confirmation from an acoustic engineer that the sound barrier wall has been installed and will achieve the project specific noise criteria is to be submitted to the Principal Certifier.

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

## **73. Acoustic Control Measures - Mechanical Plant**

- (a) Prior to the issue of the Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for mechanical plant have been installed. Written confirmation from an acoustic engineer that the acoustic measures will achieve the project specific noise criteria is to be submitted to the Principal Certifier.
- (b) Prior to the issue of the Occupation Certificate for Stage 2 works, the Principal Certifier shall be satisfied that the recommended acoustic measures for mechanical plant have been installed. Written confirmation from an acoustic engineer that the acoustic measures will achieve the project specific noise criteria is to be submitted to the Principal Certifier.
- (c) Prior to the issue of the Occupation Certificate for Stage 3 works, the Principal Certifier

shall be satisfied that the recommended acoustic measures for mechanical plant have been installed. Written confirmation from an acoustic engineer that the acoustic measures will achieve the project specific noise criteria is to be submitted to the Principal Certifier.

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

#### **74. Mechanical ventilation – commercial premises**

- (a) Prior to the issue of the Occupation Certificate for Stage 1, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (b) Prior to the issue of the Occupation Certificate for Stage 2, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.
- (c) Prior to the issue of the Occupation Certificate for Stage 3, the Principal Certifier shall be satisfied that all mechanical ventilation systems are installed in accordance with the National Construction Code Part F.

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

#### **75. Completion of landscape works**

- (a) Prior to the release of an Occupation Certificate for Stage 1 works, the Principal Certifier is to be satisfied that all landscape works associated with Stage 1 works, have been undertaken in accordance with the approved plan(s) and conditions of consent.
- (b) Prior to the release of an Occupation Certificate for Stage 2 works, the Principal Certifier is to be satisfied that all landscape works associated with Stage 2 works, have been undertaken in accordance with the approved plan(s) and conditions of consent.
- (c) Prior to the release of an Occupation Certificate for Stage 3 works, the Principal Certifier is to be satisfied that all landscape works associated with Stage 3 works, 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 the Development Consent.

#### **76. Accessibility**

Prior to the issue of an Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** Disabled access & services.

#### **77. Retention and re-use positive covenant**



- (a) Prior to issue of the Occupation Certificate for Stage 1 works, the Applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.
- (b) Prior to issue of the Occupation Certificate for Stage 2 works, the Applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property 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 the Water Management Part 24R.8.2 of the relevant 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 issue of an Occupation Certificate.

**Reason:** To protect the environment.

## **78. Certification of drainage works**

- (a) Prior to issue of an Occupation Certificate for Stage 1 works, the Principal Certifier is to be satisfied that:
  - the stormwater drainage works associated with Stage 1 works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
  - components of the new drainage system associated with Stage 1 works 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, associated with Stage 1 works are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices
- (b) Prior to issue of an Occupation Certificate for Stage 2 works, the Principal Certifier is to be satisfied that:
  - the stormwater drainage works associated with Stage 2 works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
  - components of the new drainage system associated with Stage 2 works 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 associated with Stage 2 works, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

**Reason:** To protect the environment.

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

(a) Prior to issue of an Occupation Certificate for Stage 1 works, a registered surveyor must provide a Works as Executed (WAE) survey of the completed stormwater drainage and management systems associated with Stage 1 works. The survey must be submitted to and approved by the Principal Certifier prior to issue of the Occupation Certificate. The survey must indicate:

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

(b) Prior to issue of an Occupation Certificate for Stage 2 works, a registered surveyor must provide a Works as Executed (WAE) survey of the completed stormwater drainage and management systems associated with Stage 2 works. The survey must be submitted to and approved by the Principal Certifier prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on Site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions

- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

Note: The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works associated with Stage 1 and Stage 2 works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped construction certificate stormwater plans.

**Reason:** To protect the environment.

#### **80. Basement pump-out maintenance**

- Prior to issue of the Occupation Certificate for stage 1 works, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.
- Prior to issue of the Occupation Certificate for stage 2 works, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

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

**Reason:** To protect the environment.

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

- Prior to issue of an Occupation Certificate for Stage 1 works the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier
- Prior to issue of an Occupation Certificate for Stage 3 works the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier

**Reason:** Statutory requirement.

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

Prior to issue of an Occupation Certificate for Stage 1 works, 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

**Note:** Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas comply with the Development Consent.

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

- (a) Prior to issue of the Occupation Certificate for Stage 1 works, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:
- new concrete driveway crossing in accordance with levels and specifications issued by Council
  - removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
  - full repair and resealing of any road surface damaged during construction
  - full replacement of damaged sections of grass verge to match existing
- (b) Prior to issue of the Occupation Certificate for Stage 2 works, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:
- new concrete driveway crossing in accordance with levels and specifications issued by Council
  - removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
  - full repair and resealing of any road surface damaged during construction
  - full replacement of damaged sections of grass verge to match existing
- (c) Prior to issue of the Occupation Certificate for Stage 3 works, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:
- new concrete driveway crossing in accordance with levels and specifications issued by Council
  - removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
  - full repair and resealing of any road surface damaged during construction
  - full replacement of damaged sections of grass verge to match existing

These inspections may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

**Reason:** To protect the streetscape.

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

- (a) Prior to issue of the Occupation Certificate for Stage 1 works, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.
- (b) Prior to issue of the Occupation Certificate for Stage 2 works, the Principal Certifier must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

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

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

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

#### **85. Fire safety certificate**

- (a) Prior to the issue of the Occupation Certificate for Stage 1 works, the Principal Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.
- (b) Prior to the issue of the Occupation Certificate for Stage 2, the Principal Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.
- (c) Prior to the issue of the Occupation Certificate for Stage 3, the Principal Certifier shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

**Note:** A copy of the Fire Safety Certificate must be submitted to Council for each occupation certificate.

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

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

#### **86. Maximum student and staff numbers**

This approval authorises a maximum of 240 students' and 104 full time equivalent staff. Students and staff numbers shall not rise to these maximums until a final occupation certificate for the Stage

3 works has been issued for the development.

**Reason:** To manage the site appropriately.

#### **87. Plan of management**

The plan of management as endorsed at Condition 1 for the operation of the school must be implemented during all stages of construction and at the completion of all works. A copy must kept onsite in the main office.

**Reason:** To ensure the operation of the facility minimises impact on neighbouring residents.

#### **88. Maintenance of signage**

The signs are to be maintained in good order at all times, with any damage or requirements for maintenance being promptly attended to.

**Reason:** To protect the amenity of the surrounding properties.

#### **89. Prohibition of signage illumination**

Signage must not be illuminated between the hours of 11:00pm and 7:00am daily. Signage must not flash or have any moving components. Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the façade of the building.

**Reason:** To protect residential amenity.

#### **90. Outdoor lighting**

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Reason:** To protect the amenity of surrounding properties.

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

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

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

#### **92. 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.

#### **93. 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.

#### **94. Annual Fire Safety Statement**

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

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